Washington, Thursday, December 31, 1912

The President

EXECUTIVE ORDER 9291

AUTHORIZING THE PROCUREMENT DIVISION OF THE TREASURY DEPARTMENT TO USE BLOCK MICA ACQUIRED PURSUANT TO THE ACT OF JUNE 7, 1939

WHEREAS the Procurement Division of the Treasury Department has acquired by purchase pursuant to the provisions of the act of June 7, 1939, 53 Stat. 811, stocks of block mica suitable for the manufacture of military products required for the successful prosecution of the war; and

WHEREAS the Chairman of the War Production Board has reported to me that a shortage of block mica for use in the manufacture of military products required for the successful prosecution of war is imminent;

NOW, THEREFORE, by virtue of the authority vested in me as President of - the United States by section 4 of the said act of June 7, 1939, it is ordered as follows:

The Procurement Division of the Treasury Department is hereby authorized and directed to make use of the stocks of such block mica which it had in stock on November 30, 1942, by transferring such stocks to the Metals Reserve Company, a corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act, as amended, upon such terms of sale as may be mutually agreeable to the Procurement Division and the Metals Reserve Company; and the Metals Reserve Company is hereby authorized and directed to use and dispose of such mica, by sale or otherwise, as the Chairman of the War Production Board shall direct.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE. December 29, 1942.

[F. R. Doc. 42-14103; Filed, December 29, 1942; 5:11 p. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter XI-Food Distribution Administration

[Feed Distribution Order 1]

PART 1404-BAKERY PRODUCTS

MANUFACTURE AND SALE OF BREAD AND ROLLS

Pursuant to the authority vested in me by Executive Order No. 9280, dated De-cember 5, 1942, and to assure an adequate supply and efficient distribution of food to meet war and civilian needs, It is hereby ordered, as follows:

§ 1404.1 Manufacture and sale of bread and rolls—(a) Definitions. For the purposes of this order:

(1) "Baker" means any person who is engaged in the commercial manufacture of bread or rolls, excluding, however, baking at institutions, hotels, and restaurants in connection with the service of meals at such establishments.

(2) "Person" means an individual, partnership, corporation, or association. (3) "Bread" shall include all types of bread such as white, rye, raicin, and

whole wheat types.

(4) "Pan bread" means bread which is baked in a pan as distinguished from bread which is baked on the hearth, in sheets, or on screens.

(5) "Twisting" means the twisting together of two or more pieces of dough to form a loaf of bread baked in a pan: Provided, That it shall not include the twisting or braiding of dough for the Jewish ritual bread containing eggs which is sold under the name "Chalah" or variations of that name.

(6) "Cross-panning" means placing in a bread baking pan at right angle to its length, two or more pieces cut from dough which has passed through the bakery machine commonly known as a molder.

(7) "Braking" means the rolling of dough for bread through the rowerdriven rollers of the bakery machine

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THE PRESIDENT

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commonly known as a dough-brake or brake.

(8) "Variety" means any different formula, type, weight, shape, or topping of bread or rolls.

(9) "Rolls" shall include plain white rolls and buns of the semi-bread dough type, such as soft rolls, hamburger, hot dogs, Parkerhouse, etc.; hard rolls, such as Vienna, Kaiser, etc., all made with-out fillings or icing, but shall not include yeast raised sweet rolls or sweet buns (cinnamon rolls or buns, butterfly rolls, etc.).

(10) "Enriched" means that the bread has been made from enriched flour containing the ingredients in the quantities required by the regulations under the Food, Drug and Cosmetic Act, or that equivalent ingredients have been added to plain flour during the mixing of the dough.

(b) Restrictions. (1) No baker may perform the process of twisting, crosspanning, or doughbraking in the manufacture of any pan bread except that this restriction shall not be applicable to the baking of twin loaves.

(2) No baker shall make or sell any sliced bread except that bread weighing two pounds or more per loaf may be sliced for a period of sixty days from the effective date of the order.

(3) No baker may prepare or deliver any bread or rolls packaged in more than one thickness of wrapping material except as permitted by the provisions of subparagraph (4), and except that double thickness is permitted on the areas of closure, and where necessary in the packaging of rolls with cardboard bottom's or ends, or cardboard trays.

(4) No baker or other seller of bread shall use inserts, outserts, or end labels on any bread except that inserts and outserts may be used with unprinted wrappers where such insert or outsert provides the only label identification or required label correction, such insert or

outsert not to exceed three inches in width, and except, further, that supplies of paper in the hands of bakers on the date of the issuance of this order may be used for providing inserts in connection with the wrapping of sliced loaves, to the extent that slicing is permitted under the terms of subparagraph (2) of this paragraph, until sixty days after the effective date of this order.

(5) No baker or other seller of bread or rolls, baking company, its officers, agents, employees, subsidiaries, affiliates, or any person acting for or under subsidy from any baker or baking company shall sell on consignment, or shall deliver or otherwse distribute for sale any bread or rolls and agree in any manner to accept the return, resume possession, or give refund, credit, exchange, or allow-

ance in connection therewith.

(6) No baker shall make more varieties of bread or rolls than he made during the first week of December 1942 and, in any case, the maximum number of varieties of bread and rolls which may be made or sold by any baker during any one week shall be (a week shall begin at 12:01 a.m. Sunday):

(i) Bread for sale to or distribution through retail stores (not including multiple unit bakeries, restaurants, hotels, and institutions. (a) Six varieties of machine molded bread, of which not more than three shall be white pan

bread:

(b) Ten varieties of hand molded bread; and

(c) Three varieties of rolls.

(ii) Bread for sale to restaurants, hotels, and institutions. (a) Ten varieties of bread, of which not more than three shall be white pan bread; and

(b) Nine varieties of rolls.

(iii) Bread for direct sale to con-sumers. (a) Fifteen varieties of bread, of which not more than three shall be white pan bread; and

(b) Nine varieties of rolls.

The provisions of this order shall not apply to religious ritual breads when sold for and on the occasion of the religious holidays to which they are appropriate.

(7) No baker shall procure, use, or cause to be used for his account, any new plates for printing of bread wrappers which require the use of more than two colors, or any new plates which cover more than twenty percent of the exposed area of the wrapper.

(8) No baker shall provide or furnish racks, stands, or other equipment to any person, nor shall replace racks, stands or other equipment heretofore provided

or furnished.

(9) All white bread shall be enriched, shall contain not less than 3 parts nor more than 4 parts of milk solids to 100 parts of flour, and shall contain not more than 2 parts of shortening and not more than 4 parts of sugar or other related fermentable carbohydrate solids. All parts shall be determined by weight of material used.

(c) Reports. Bakers and other sellers of bread or rolls to whom this order applies shall execute and file with the Department of Agriculture such reports as said Department may from time to time require.

(d) Records. Bakers shall keep and preserve for not less than two years accurate and complete records concerning inventories, production, and sales.

(e) Audit and inspection. All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Department of Agriculture.

(f) Violations. Any person who wilfully violates any provision of this order. or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or accepting further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(g) Appeals. Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the

appeal.

(h) Delegation of authority. The Food Distribution Administration is hereby designated as the agency within the Department to administer the provisions of this order.

(i) Communications to Department of Agriculture. All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: Director of Food Distribution, United States Department of Agriculture, Washington, D. C., Ref: FD-1.

(j) Effective date. This order shall become effective as of 12:01 a. m., E. W. T., January 18, 1943, except as

otherwise provided herein.

(E.O. 9280, 7 F.R. 10179)

Issued this 29th day of December 1942. [SEAL] CLAUDE R. WICKARD, Secretary of Agriculture.

[F. R. Doc. 42-14107; Filed, December 29, 1942; 4:41 p. m.]

TITLE 10-ARMY: WAR DEPARTMENT

Chapter VII-Personnel

PART 79-PRESCRIBED SERVICE UNIFORM WINTER OVERCOATS, COLORS

Section 79.2 (a) (1) (iv) (b) is amended as follows:

§ 79.2 Adopted standards of cloths.

(a) For officers, warrant officers and contract surgeons—(1) For winter uniform.

(iv) Overcoats. *- * *

(b) Colors. Olive-drab No. 52. (R.S. 1296; 10 U.S.C. 1391) [Par. 2a, AR 600-

35, November 10, 1941, as amended by C 8 December 15, 1942]

[SEAL]

J. A. Ulio, Major General, The Adutant General.

[F. R. Doc. 42-14146; Filed, December 20, 1942; 11:43 a. m.]

Chapter VIII-Procurement and Disposal of Equipment and Supplies

PART 81-PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

GENERAL DUTIES OF THE QUARTERMASTER GENERAL.

Section 81.38 is amended to read as follows:

§ 81.38 General duties of The Quartermaster General. (a) The Quartermaster General, under the authority of the Secretary of War and under the Supervision of the Commanding General, Services of Supply, is charged with the procurement, storage, and distribution for the Army of all supplies of standard manufacture and of all supplies common to two or more arms or services but not with the procurement, storage, and distribution of special or technical articles to be used or issued exclusively by other supply departments; with the furnishing of means of animal transportation of all classes and kinds required by the Army; and with such other duties not otherwise assigned by law as the Secretary of War may prescribe: Provided, That special and technical articles used or issued exclusively by other arms or services may be purchased or procured with the approval of the Under Secretary of War by the services using or issuing such articles, and the chief of each supply service may be charged with the storage and issue of property pertaining thereto.

(b) The Quartermaster General is responsible for the establishment of and general supervision over all national cemeteries, soldiers plots, Confederate burial plots, monuments, and parks under the jurisdiction of the War Department and the records pertaining thereto. In addition, he has direct control and supervision over Arlington National Cemetery and Mexico City National Cemetery. He is responsible for the purchase of grave sites; the procurement and supply of Government headstones and grave markers; the recovery and disposition of remains of military and civilian personnel when such expenses are payable from War Department appropriations: and he is Graves Registration Service officer within the continental limits of the United States.

(c) The Quartermaster General has charge of training facilities under jurisdiction of The Quartermaster General for providing advanced specialist training for Quartermaster Corps personnel and others as prescribed by the Secretary of War. (Sec. 9, 41 Stat. 766; 10 U.S.C. 72) [Par. 3, AR 30-5, December 8, 1942]

[SEAL]

J. A. Ulio, Major General, The Adjutant General.

[F.R.Doc. 42-14147; Filed, December 30, 1942; 11:43 a. m.l

Chapter X-Areas Restricted for National Defense Purposes

[Public Preclamation No. 3]

PART 105—ESTABLISHMENT OF MILITARY AREAS

PROHIBITED AND RESTRICTED ZONES: EAST-ERM INLITARY AREA

DECEMBER 21, 1942.

Headquarters, Eastern Defense Command and First Army, Governors Island, New York.

To: The people within the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, part of the State of Florida and the District of Columbia.

Whereas, the Eastern Military Area was prescribed by Public Proclamation No. 1,3 this Headquarters, dated May 16, 1942, under authority contained in Executive Order of the President, No. 9066, dated February 19, 1942; and

Whereas, the present situation requires as a matter of military necessity that restrictions be imposed and prohibited and restricted zones designated. in addition to restrictions already imposed and zones already designated by Public Proclamations Nos. 1' and 2,' this Headquarters, dated respectively May 16,

1942 and September 7, 1942; Now, therefore, I, Hugh A. Drum, Lieutenant General, U. S. Army, by virtue of the authority vested in me by the President of the United States and by the Secretary of War and my powers and prerogatives as Commanding General of the Eastern Defense Command and First Army, charged with the defense of the Eastern Seaboard, do hereby declare, order and proclaim that:

§ 105.3 Additional prohibited and restricted zones; Eastern Military Area. (a) Within the Eastern Military Area there are hereby designated Prohibited Zones A-1000 to A-1503, A-2000 to A-2525, A-3000 to A-3694, A-4000 to A-4156 and A-5000 to A-5020, all numbers inclusive. The location and extent of said prohibited zones shall be described and defined by the posting of appropriate signs at the entrances to and exits from such zones, along the outside boundaries thereof, and at such other places therein as shall give full and complete notice of the area included. Effective from the date of this proclama-

¹⁷ P.R. 3530.

²⁷ P.R. 7335.

the restrictions governing the of any person to enter, remain in, or leave said zones are the restrictions already prescribed by paragraphs 9 d, e, f, and g of Public Proclamation No. 2, (§ 105.2 (i) (4), (5), (6) and (7)) as applicable to prohibited zones therein designated.

(b) (1) Within the Eastern Military Area, there are hereby designated Restricted Zones B-70, B-71, B-2000 to B-2116, B-3000 to B-3009, B-4000 to B-4009 and B-5000 to B-5015, all numbers inclusive. The location and extent of Restricted Zones B-70 and B-71 are more particularly described and defined in Exhibit No. 1,3 hereto attached, and are shown on the maps marked Exhibits Nos. 6 and 12, hereto attached. The location and extent of Restricted Zones B-2000 to B-2116, B-3000 to B-3009, B-4000 to B-4009 and B-5000 to B-5015, all numbers inclusive, shall be described and defined in the manner provided in paragraph (a) of this section for the description and definition of the prohibited zones therein designated.

(2) Included in the restricted zones designated by this proclamation are bridges, viaducts, tunnels, railroad yards and operating and maintenance facilities, motor freight areas, airports and air fields, dams, reservoirs, flumes, conduits, coastal areas, harbor facilities and installations, and areas fronting on ports

and harbors.

(3) Effective from the date of this proclamation, the restrictions governing the right of any person to enter, remain in, or leave Restricted Zones B-2000 to B-2116, B-3000 to B-3009, B-4000 to B-4009 and B-5000 to B-5015, all numbers inclusive, are the restrictions already prescribed by paragraphs 9 e, (4), (5), (7), (9), (11), 9 f, 9 i, 9 j, 9 l, and 9 m of Public Proclamation No. 2 (§ 105.2 (i) (5) (iv), (v), (vii), (ix) and (xi), (6), (9), (10), (12), and (13)) as applicable to certain zones therein designated nated, and the restrictions governing the right of any person to enter, remain in, or leave Restricted Zones B-1, and B-4 to B-71 inclusive, are the restrictions already prescribed by paragraphs 9 e (4), (5), (7), (9), (11), 9 f, 9 h, 9 i, 9 j, 9 k, 9 l, and 9 m of Public Proclamation No. 2, (§ 105.2 (i) (5) (iv), (v), (vii), (ix) and (xi), (6), (8), (9), (10), (11), (12), and (13)) as applicable to certain zones therein designated. These restrictions are set forth in Exhibit No. 4, hereto at-

(c) Effective from the date of this proclamation, the right of any person to enter, remain in, or leave the Eastern Military Area, or any part or zone thereof, shall be subject to the following restriction, which said restriction is hereby promulgated. This restriction is in addition to other restrictions imposed by this and previous proclamations.

No person not authorized by competent military or civil authority shall knowingly have in his possession, alter, display, deface, destroy, post, or remove, or knowingly cause to be altered, dis-played, defaced, destroyed, posted or removed, any sign, proclamation, or order, printed, published or posted pursuant to

authority or direction contained in any proclamation or order of this Headquarters promulgated or issued under authority contained in Executive Order of the President of the United States, No. 9066, dated February 19, 1942, or any simulation, reproduction, or copy of any such sign.

(d) Current military necessity requiring such action, the location and extent of certain prohibited zones designated by Public Proclamation No. 2, this Headquarters, September 7, 1942, are hereby changed. As so changed, the location and extent of Prohibited Zones A-12, A-27, A-34, A-70, A-111 and A-177 are more particularly described and defined in Exhibit No. 2, hereto attached. As so changed, the location and extent of certain other prohibited zones, designated by Public Proclamation No. 2 [§ 105.2] shall be described and defined in the manner provided in paragraph (a) of this section for the description and definition of prohibited zones therein designated.

(e) Current military necessity requiring such action, the location and extent of Restricted Zones B-3, B-25, B-26, B-36, B-37, B-38, B-40, B-43, B-65, B-66, B-67 and B-69 designated by Public Proclamation No. 2, this Headquarters, September 7, 1942, are hereby changed. As so changed, the location and extent of such restricted zones are more particularly described in Exhibit No. 3, hereto attached, and are shown on the maps hereto attached and marked Exhibits

Nos. 5 to 11, inclusive.

(f) Any person who violates any restriction or order issued or adopted by the Commanding General, Eastern Defense Command and First Army, pursuant to the authority cited in the preamble of this Proclamation, applicable to the whole or any part of the Eastern Military Area, is subject to immediate exclusion from the Eastern Military Area, or any part or zone thereof, and to the penalties provided by Title 18, Section 97A. United States Code. In addition. if two or more persons conspire to violate this section and one or more do any act to effect the object of such conspiracy, each of the parties will be subject to the penalties provided by Title 18, section 88. United States Code. In the case of an alien enemy, such person will, in addition, be subject to immediate apprehension and internment.

(g) A copy of this proclamation shall be displayed for public inspection at every Selective Service Local Board; at every Post Office; at every Court House; and at every Town Hall within the Eastern Military Area. It shall be the duty of every person found within the Eastern Military Area to familiarize himself with the terms of every proclamation, an-nouncement, or restriction issued by this

Headquarters.

[SEAL] H. A. DRUM, Lieutenant General, U.S. Army, Commanding.

Confirmed:

J. A. ULIO. Major General. The Adjutant General.

[F. R. Doc. 42-14148; Filed, December 30, 1942; 11:43 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I-Civil Aeronautics Board

[Regulations, Serial No. 248]

PART 292-EXEMPTIONS AND CLASSIFICA-TIONS

CLASSIFICATION AND EXEMPTION OF ALASKAN AIR CARRIERS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 22d day of October 1942.

The Civil Aeronautics Board, acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 401 (f), and 416 thereof, and in accordance with certain findings and conclusions set forth in its opinion issued concurrently herewith in Alaska Air Transportation Investigation, Docket Nos. 71-401-E-1, et al., relating to Alaskan air carriers, and finding that the present enforcement of all the provisions of Title IV of said Act would be an undue burden on said air carriers by reason of the limited extent of and the unusual circumstances affecting the operations of said air carriers, and would not be in the public interest, the Civil Aeronautics Board hereby makes and promulgates the following regulation, amending § 292.2 of the Economic Regulations to read as follows:

§ 292.2 Classification and exemption of Alaskan air carriers—(a) Classification of Alaskan air carriers. There is hereby established, within the meaning of section 416 (a) of the Civil Aeronautics Act of 1938, a classification of air carriers which engage solely in air transportation within the Territory of Alaska, said classification to be designated as "Alaskan air carriers."

(b) Termination of existing exemption of Alaskan air carriers. On and after the effective date of this regulation. § 292.1 of the Economic Regulations (formerly designated as Regulation 400-1) temporarily exempting nonscheduled operations from certain provisions of Title IV of the Civil Aero-nautics Act of 1938, shall not be applicable to Alaskan air carriers.

(c) Temporary exemption of Alaskan air carriers. Until the Board shall adopt further rules, regulations, or orders, Alaskan air carriers shall be exempted from the provisions of sections 403, 405 (e), and 407 (b) of Title IV of the Civil Aeronautics Act of 1938, as amended, and the regulations of the Civil Aeronautics Board promulgated under said Title IV, excepting the fol-lowing sections of said regulations: § 216.1 Petitions for determination of rates of compensation for transportation of mail; § 228.1 Free travel for postal employees; § 238.1 Applications for Certificates of Public Convenience and Necessity; § 238.6 Temporary suspensions of service; § 248.1 Approvals of interlocking relationships; § 251.1 Filing copies of agreements; § 280.1 Reports of stock ownership by officers and directors of air carriers; and § 285.1 Rules of practice. Said air carriers also shall be exempted from the provisions of sections 401 (a) and 404 (a) of Title IV of the Act

⁸ Exhibits mentioned herein were filed as part of the original document.

insofar as the enforcement of said sections would prevent any such air carrier:

(1) From providing, over a regular route designated in a certificate of public convenience and necessity, service, of the same types authorized by the certificate, to such additional points not named in the certificate as are situated within the territory which would ordinarily be served by such route;

(2) From transporting mail over postal routes 78182 and 78187 (blanket authorizations of the Postmaster General relating to the transportation of first-class mail) to the extent that mail may be tendered by the postmasters in Alaska for transportation over said postal routes;

(3) From transporting over postal routes designated by the Postmaster General as "gratuitous" routes, such mail as may be tendered by postmasters in Alaska for transportation over such routes; or

(4) From engaging in air transportation required to meet emergencies arising out of the present war, as may be directed by the military authorities.

(d) Charter trips and other special services. Every Alaskan air carrier may make charter trips and render other special services between points on routes which it is authorized by its certificate to serve. Charter trips and other special services may also be rendered to or from any other point: Provided, That such trips originate at or are destined to a point on a route (regular or irregular) the carrier is authorized by its certificate to serve; And provided further, That all such trips are casual, occasional, or infrequent, and are not made in such manner as to result in establishing a regular or scheduled service. The provisions of § 239.1 of the Economic Regulations which require air carriers to secure approval of the Commanding General, The Air Transport Command, or his designee, to operate any charter trip or other special service, shall not apply to Alaskan air carriers until further order of the Board.

This regulation shall take effect on January 12, 1943: Provided, however, That it shall not become effective for a period of 90 days thereafter with respect to air transportation services rendered by any Alaskan air carrier and not authorized by the certificate of public convenience and necessity issued to such carrier or by the provisions of this regulation.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN, Secretary.

[F.R. Doc. 42-14125; Filed, December 30, 1942; 9:49 a. m.]

TITLE 29-LABOR

Chapter VI—National War Labor Board
[General Order 24]

PART 803-GENERAL ORDERS

AUTHORIZATION TO DEPARTMENT OF AGRICUL-TURE TO PASS ON WAGE AND SALARY AD-JUSTMENTS FOR DESIGNATED EMPLOYEES

§ 803.24 General Order No. 24. (a) The National War Labor Board hereby

delegates to the Secretary of Agriculture, to be exercised on his behalf by the Director of Personnel of the Department of Agriculture (hereafter referred to as Agriculture Department Agency), the power to approve or disapprove all applications for wage and salary adjustments (insofar as approval thereof has been made a function of the National War Labor Board) covering employees of the Department of Agriculture, and employees of instrumentalities of the Department of Agriculture, within the continental limits of the United States and Alaska whose wages and salaries are not fixed by statute, including:

(1) Employees and members of Agricultural Conservation Committees,

(2) Employees under cooperative agreements.

(3) Employees of agencies under supervision of the Farm Credit Administration, and

(4) Persons engaged in the administration of marketing agreements, orders, and licenses,

all in accordance with the further provisions of this order.

(b) In the performance of its duties hereunder, the Agriculture Department Agency shall comply with the terms of Executive Order 9250, dated October 3, 1942 and any General Order or policy of the National War Labor Board heretofore or hereafter issued thereunder. The Agriculture Department Agency, without making an initial ruling thereon, may refer to the Board, for decision by the Board, any case which, in the opinion of the Agency presents doubtful or disputed questions of sufficient seriousness and import to warrant direct action by the Board.

(c) The Agriculture Department Agency shall transmit to the Review and Analysis Division of the National War Labor Board monthly reports of its rulings, and copies of its rules of procedure, if any, as they are issued, and such additional data and reports as said Division or the Board may from time to time deem necessary.

(d) Any ruling by the Agriculture D2-partment Agency hereunder shall be deemed to be the act of the National War Labor Board and shall be final, subject to the National War Labor Board's ultimate power to review rulings on its own initiative, and to reverse or modify the same. Any such order of reversal or modification shall not be retroactive and shall allow the Agriculture Department Agency a period of two weeks from the date of the Board's order, within which to comply with the order.

(E.O. 9250, 7 F.R. 7871)

Adopted December 17, 1942.

George Kirstem, Executive Secretary.

[F. R. Doc. 42-14105; Filed, December 29, 1642; 2:51 p. m.]

[General Order 25]

PART 803-GENERAL ORDERS

AUTHORIZATION OF TENNESSEE VALLEY AU-THORITY TO PASS ON WAGE AND SALARY ADJUSTMENTS OF ITS EMPLOYEES

§ 803.25 General Order No. 25. (a) The National War Labor Board hereby

delegates to the Board of Directors of the Tennessee Valley Authority the power to approve or disapprove all applications for wage and salary adjustments (insofar as approval thereof has been made a function of the National War Labor Board) of employees of the Tennessee Valley Authority, in accordance with the further provisions of this order.

(b) In the performance of its duties hereunder the Board of Directors of the Tennessee Valley Authority shall comply with Executive Order 9250, dated October 3, 1942, and all regulations heretofore or hereafter issued thereunder and with the dcclaration of wage policy of the National War Labor Board dated November 6. 1942. The Board of Directors of the Tennessee Valley Authority, without making an initial ruling thereon may refer to the National War Labor Board, for decision by the Board, any application which in its opinion presents doubtful or disputed questions of sufficient seriousness and import to warrant direct action by the Board.

(c) The Board of Directors of the Tennessee Valley Authority shall transmit to the Review and Analysis Division of the National War Labor Board copies of its rulings, and rules of procedure, if any, as they are issued, and such additional data and reports as said Division or the Eoard may, from time to time, deem necessary.

(d) Any ruling by the Board of Directors of the Tennessee Valley Authority hereunder shall be deemed the act of the National War Labor Board and shall be final, subject to the National War Labor Board's right to review rulings on its own motion, and to reverse or modify the same. Any such reversal or modification shall not be retroactive and shall allow the Tennessee Valley Authority a period of two weeks for compliance.

(E.O. 9250, 7 F.R. 7871)

Adopted December 22, 1942.

George Kiestein, Executive Secretary.

[F R. Doc. 42-14106; Filed, December 29, 1942; 2:51 p. m.]

TITLE 30-MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1736]

Part 329—Minicaum Price Schedule, District No. 9

AMENDED ORDER GRANTING RELIEF, ETC.

Order amending order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 9 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 9.

An original patition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was filed with the Division by the above-named party, requesting among other things a change in the shipping point for the coals of the Lee & Williams Mine, Mine Index No. 306, of Lee & Williams (Tom Lee), for all shipments except truck.

In an order issued December 1, 1942, 7 F. R. 10427, in the above-entitled matter, temporary relief was granted and provision was made that such relief would become final in sixty (60) days from the date thereof unless it should otherwise be ordered. Among other matters, this order established Dawson Springs, Kentucky, on the Illinois Central Railroad as the rail shipping point for the coals produced by the said mine in place of Daylight, Kentucky.

On December 21, 1942, District Board No. 9 filed a motion requesting that Daylight, Kentucky, be reestablished as the shipping point for the said mine in place of Dawson Springs, Kentucky. In support of its motion, the district board alleges that Lee & Williams, the present operators of Mine Index No. 306, erred in requesting a change in shipping points from Daylight, Kentucky, to Dawson Springs, Kentucky, and that the said operators now request that the former shipping point, Daylight, Kentucky, on the Illinois Central Railroad, be restored.

Now, therefore, it is ordered, That the order dated December 1, 1942, 7 F.R. 10427, in the above-entitled matter be and it hereby is vacated and set aside to the extent that it pertains to the Lee & Williams Mine, Mine Index No. 306 of Lee & Williams (Tom Lee) and that in all other respects the said order shall remain in full force and effect.

Dated: December 28, 1942.

[SEAL]

DAN H. WHEELER, Director.

[F. R. Doc. 42-14144; Filed, December 30, 1942; 11:18 a. m.]

TITLE 31—MONEY AND FINANCE

Chapter II—Fiscal Service

Subchapter B-Bureau of the Public Debt [Department Circular 704, 1942]

PART 319—OBLIGATIONS OF THE UNITED STATES AS CREDIT AGAINST VICTORY TAX

CREDIT AGAINST VICTORY TAX

DECEMBER 29, 1942.

The following regulations are issued pursuant to Subchapter D, Part I, sec. 453 (a) (3) of the Internal Revenue Code, as added by the Revenue Act of 1942, which reads as follows:

SEC. 453. CREDIT AGAINST VICTORY TAX.

(a) Allowance of credit. There shall be allowed as a credit against the victory tax for each taxable year: * * for each taxable year:

(3) The amount by which the amount of obligations of the United States owned by the taxpayer on the last day of the taxable year exceeds the greater of (A) the amount of such obligations owned by the taxpayer on December 31, 1942, or (B) the highest amount of such obligations owned by the taxpayer on the last day of any preceding taxable year ending after December 31, 1942. As used in this paragraph (i) the term "owned by the taxpayer" shall include the amount of the obligations owned solely by the taxpayer and one-half of the amount of the obligations owned jointly by the taxpayer with one other person, but shall not include such obliga-tions acquired by the taxpayer by gift, or inheritance, or otherwise than by purchase;

(ii) the term "obligations of the United States" means such obligations of the United States as the Secretary may by regulations prescribe, and as are purchased in such manner and under such terms' and conditions as he may specify; and (iii) the term "amount of obligations of the United States" means the amount paid for such obligations.

 The following classes of securities issued by the United States are prescribed as "obligations of the United States" within the meaning of such term as used in Subchapter D, Part I, sec. 453 (a) (3) of the Internal Revenue Code.

United States Savings Bonds, Series E, F,

(2) The right is reserved to amend or supplement this circular, at any time. or from time to time.

HENRY MORGENTHAU, Jr., [SEAL] Secretary of the Treasury.

[F. R. Doc. 42-14145; Filed, December 30, 1942; 11:41 a. m.]

TITLE 32-NATIONAL DEFENSE

Chapter IX-War Production Board

Subchapter B-Director General for Operations PART 1076-PLUMBING AND HEATING SIMPLIFICATION

[Schedule XII to Limitation Order L-42, as Amended December 30, 1942]

PLUMBING FIXTURES

Section 1076.14 Schedule XII to Limitation Order L-42 is hereby amended to read as follows:

§ 1076.14 Schedule XII to Limitation Order L-42-(a) Definitions. For the purposes of this schedule:

(1) "Producer" means any person who manufactures, processes or fabri-

- cates plumbing fixtures.

 (2) "Plumbing fixture" means any bathtub, bidet, bath (foot sitz), drain pool (for a septic tank system), drain board, fountain (drinking, wash), interceptor (grease, oil, plaster), lavatory, laundry tray, sink (except a scullery sink, with or without drain boards), sink and laundry tray combination, sink leg, shower receptor, shower stall and receptor combination, septic tank, frap standard, water closet bowl (including frost proof bowl), urinal, urinal tank, water closet tank (other than a pressure tank for a frost proof closet); but it does not include any plumbing fixture trim not specifically named in this schedule:
- (b) Limitations. Pursuant to Limitation Order L-42 the following limitations are established for the manufacture of plumbing fixtures:

No metal may be used in the manufacture of plumbing fixtures except that:

(1) Any person may incorporate into any plumbing fixture the minimum quantity of metal which is required for coating, nuts, bolts, screws, clamps, rivets and other items of joining hardware. excluding chair carriers, which are necessary for the construction, assembly or installation of the plumbing fixture, provided that such use is not prohibited by any other order of the Director General for Operations.

- (2) In addition, any person may incorporate into any of the following named plumbing fixtures the metals specified in quantities not exceeding those designated, provided that such uso is not prohibited by any other order of the Director General for Operations:
- (i) Into any wash fountain, 36 inches or more in diameter, including reinforcing mesh and rods, trap, column, fixture trim and internal piping, twenty-five pounds of metal (including a maximum of one pound of copper or copper base alloy);
- (ii) Into any grease interceptor (excluding flow control device), five pounds of ferrous metal;
- (iii) Into any oil interceptor, five pounds of ferrous metal:
- (iv) Into any plaster interceptor, eight pounds of ferrous metal;
- (v) Into any cement or concrete laundry tray, one ounce of zinc for waste plug in each outlet and ferrous metal as follows: one compartment, one and a half pounds for reinforcement, one and a half pounds for cast-in waste fitting: two compartments, two pounds for reinforcement, two and a half pounds for cast-in twin waste fitting; three compartments, three pounds for reinforcement, four pounds for one single cast-in waste fitting and one cast-in twin waste fitting;
- (vi) Into any cement or concrete shower receptor and cast-in drain, six pounds of ferrous metal;
- (vii) Into any shower stall and receptor combination, twenty-four pounds of ferrous metal (only secondary quality of sheet steel, including the rejects and trimmings, may be used);

(viii) Into any concrete septic tank, ferrous metal required for reinforcement only, inlet or outlet connection, internal syphon and internal syphon pipe connection:

(ix) Into any water closet bowl that is to be supplied with water through a diaphragm or a piston type flush valve or a pressure tank, one pound of ferrous metal for spud;

(x) Into any water closet bowl that is to be supplied with water from a water closet tank, one pound of ferrous metal for spud, but on and after February 15, 1943, no metal shall be incorporated into any such spud;

(xi) Into any component working parts of any tank for water closet or urinal (other than a pressure tank for a frost proof closet), four pounds of metal; and

(xii) Into any urinal, one pound of ferrous metal for spuds.

(3) The restrictions of this order shall not apply to the use of lead.

- (c) General exceptions. The prohibitions and restrictions contained in this schedule shall not apply to the use of metal in the manufacture of any plumbing fixture or any part thereof which is being produced:
- (1) Under a specific contract or subcontract for use in chemical plants, research laboratories or hospitals, where

¹⁷ F.R. 4028.

and to the extent that the physical, chemical and aseptic properties make the use of other materials impracticable. This exception, however, does not include any plumbing fixture used in private rooms or nurses' or attendants' quarters in any plant, laboratory or hospital.

(2) Under a specific contract or subcontract for use as part of the equipment of any aircraft or any vessel other than a pleasure craft where the use of other material is impracticable: *Provided*, *how*ever, That no monel metal shall be used in the manufacture of any trough urinal,

(3) Under a specific contract or subcontract specifying trough urinals for delivery to, or for the account of, the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration for use outside the continental United States (the several States and the District of Columbia): Provided, however, That no monel metal shall be used in the manufacture

of any such trough urinal.

(d) Simplified practices; exceptions. No plumbing fixtures which do not conform to the standards established by this schedule shall be produced or delivered by any producer or accepted from any producer except with the express permission of the Director General for Operations: Provided, however, That the foregoing shall not prohibit the delivery by any producer of such plumbing fixtures as were in his stock in finished form on December 30, 1942, nor the receipt of such plumbing fixtures from such producer: Provided, further, That the foregoing shall not prohibit machining or assembling materials put into process prior to December 30, 1942, nor the delivery of the completed plumbing fixtures so produced, nor receipt of such plumbing fixtures from the producer: Provided, That the plumbing fixtures covered by the foregoing exceptions were not processed, produced or delivered in violation of this schedule as in effect prior to December 30, 1942.

(e) Reports. Each producer to whom this schedule applies, shall on or before the 15th day of each month, file with the War Production Board a report on Form PD 727 which shall cover the preceding month or portion thereof.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Laws 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of December 1942.

ERNEST KANZLER,

Director General for Operations.

[F. R. Doc. 42-14128; Filed, December 30, 1942; 10:40 a. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COM-FONENT

[MPR 2201 Amendment 2]

CERTAIN RUBBER COMMODITIES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.°

Section 1315.1551 is amended; § 1315.1563 is revoked; a new § 1315.1568 is
added and in paragraph (a) of § 1315.1564, subparagraph (4), (5) and (7) are
amended and a new subparagraph (8) is
added, as set forth below:

§ 1315.1551 Applicability of this Maximum Price Regulation No. 220 and the General Maximum Price Regulation—(2) What commodities must be priced under this regulation. This regulation is applicable to the commodities listed in Appendix A (§ 1315.1568) when they are made in whole or in part of rubber, if their maximum prices would be estab-lished by the General Maximum Price Regulation in the absence of this Maximum Price Regulation No. 220. This regulation applies, instead of the General Maximum Price Regulation, to such commodities. However, this Maximum Price Regulation No. 220 is not applicable to any commodity listed in Appendix A if its maximum price is established by any other regulation, issued or which may be issued by the Office of Price Administra-Specifically but not exclusively, this Maximum Price Regulation No. 220 is not applicable to sales or deliveries, the maximum prices of which are established by Maximum Price Regulation No. 136-Machines and Parts, and Machinery Services; Maximum Price Regulation No. 157-Sales and Fabrication of Textiles, Apparel and Related Articles for Military Purposes and Maximum Price Regulation No. 188-Maximum Prices for Specified Building Materials and Consumers' Goods other than Apparel. A commodity that must be priced under this Maximum Price Regulation No. 220 will henceforth be referred to as a "rubber commodity."

(b) Applicability of the General Maximum Price Regulation. Section 1499.1 to 1499.3, inclusive, §§ 1499.4a, 1499.13, 1499.16, 1499.18, 1499.21 and §§ 1499.23 to 1499.25, inclusive, of the General Maximum Price Regulation are not applicable to sales or deliveries of rubber commodities, except as provided by para-

graph (d) of the next section (§ 1315.-1552). However, all other sections of the General Maximum Price Regulation, together with existing and subsequent supplementary regulations (including Supplementary Regulation No. 4) and amendments to such sections are applicable to rubber commodities.

§ 1315.1564 Definitions. (a) * * * (4) "Rubber commodity" means any article listed in Appendix A, incorporated herein as § 1315.1568, when made in whole or in part of rubber, the maximum price for which would be established by the General Maximum Price Regulation in the absence of this Maximum Price Regulation No. 220.

(5) "Rubber" means substitute rubber and all forms and types of rubber, including synthetic, reclaimed and balata rubber.

(7) "Synthetic rubber" means a material obtained by chemical synthesis, possessing the approximate physical properties of natural rubber, when compared in either the vulcanized or unvulcanized with sulphur or other chemicals with the application of heat, and which, when vulcanized, is capable of rapid elastic recovery after being stretched to at least whice its length at temperatures ranging from 0° F, to 150° F, at any humidity.

(8) "Substitute rubber" means a substance made in whole or in part by a chemical process or from natural gums, resins or olls which in physical properties sufficiently resembles natural or synthetic rubber to replace either of them for particular uses, including uses where only some and not all of the physical characteristics of natural or synthetic rubber are needed, and which serves the same use as natural or synthetic rubber in the particular application in which it is applied.

§ 1315.1568 Appendix A: Articles covcred by the regulations. The following articles, when made in whole or in part of rubber, shall be covered by this Maximum Price Regulation No. 220:

Nore: This Maximum Price Regulation No. 220 does not apply to any sale or delivery of the articles listed below for which a maximum price is in effect at the time of such sale or delivery under the provisions of any other price regulation, issued, or which may be issued, by the Office of Price Administration. This Maximum Price Regulation No. 220 applies, instead of the General Maximum Price Regulation, to the articles listed below, when they are made in whole or in part of rubber. However, this Maximum Price Regulation No. 220 does not apply to sales or deliveries of the articles

^{*}Copies may be obtained from the Office of Price Administration.

¹⁷ F.R. 7282, 6936, 6948.

listed below if they have been exempted from the General Maximum Price Regulation by any supplementary regulation thereto. Manufacturers selling articles listed below should, before pricing their products in accordance with this Maximum Price Regulation No. 220 determine: (a) whether price regulations, other than the General Maximum Price Regulations, have been issued with respect to the articles so listed and (b) whether sales or deliveries of the articles listed have been exempted from the General Maximum Price Regulation by any supplementary regulation thereto.

(a) The following items of apparel: (1) Aprons; (2) Bathing supplies, including bags, belts, capes, coats, shees and bathing suits; (3) Brassieres; (4) Corsets; (5) Dress shields; (6) Garters and armbands; (7) Girdles and elastic girdle blanks; (8) Make-up capes; (9) Ponchos; (10) Raincoats and rainsuits; (11) Suspenders; (12) Waterproof capes, cloaks, hats, jackets, leggings, overalls and sleeves.

(b) Bicycle tires and tubes.

(c) Cements and adhesives made in whole or in part of natural, synthetic, reclaimed or balata rubber.

(d) Coated fabrics, including but not limited to: (1) Artificial leather; (2) Automobile upholstery; (3) Awning cloth; (4) Backing cloth; (5) Gummed sign cloth; (6) Hospital sheeting; (7) Raincoat cloth; (8) Rubber welting; (9) Rubberized canvas; (10) Shoe fabrics; (11) "Suede" fabrics; (12) Tire covers; (13) Topping; (14) Winter fronts.

(e) The following latex and latex covered products: (1) Backing of carpets. jute bags, rugs, sacks and wallpaper; (2) Baskets; (3) Buckets; (4) Dippers; (5) Frames; (6) Funnels; (7) Measures; (8) Racks; (9) Screens; (10) Sponge up-

holstery; (11) Trays.

- (f) The following items of stationer's goods: (1) Chair cushions; (2) Desk angle protection strips; (3) Desk tops; (4) Erasers; (5) Pen sacks; (6) Pencil plugs; (7) Rubber bands; (8) Rubber stamps; (9) Telephone cord guards; (10) Telephone ear pieces; (11) Telephone stands; (12) Typewriter feet; (13) Typewriter keys.
 - (g) Tire repair materials.
- (h) The following miscellaneous items: (1) Air bags and curing tubes used in vulcanizing tires and repairing tubes; (2) Balloons for radio and weather observations; (3) Cable wrapping tape; (4) Diving suits; (5) Elastic webbing; (6) Mechanical rubber goods, made in whole or in part of balata, the rubber content of which is more than 50% balata; (7) Rubberized curled hair; (8) Showerbath curtains; (9) Tarpaulins.
- § 1315.1567 Effective dates of amendments.

(b) Amendment No. 2 (§§ 1315.1551; 1315.1563; 1315.1564 (a) (4), (5), (7), (8); 1315.1568) to Maximum Price Regulation No. 220 shall become effective January 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of December 1942. LEON HENDERSON, Administrator.

[F. R. Doc. 42–14109; Filed, December 29, 1942; 5:02 p. m.]

PART 1340-FUEL

IRPS 88,1 Amendment 52]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraphs (a) and (b) of § 1340.160 are amended as set forth below:

§ 1340.160 Exceptions. The following petroleum products shall be exempt from §§ 1340.151 and 1340.159:

(a) All aviation gasoline of 87 octane rating or higher;

(b) The following to the extent purchased or sold for use in the manufacture of aviation gasoline of 87 octane rating or higher; Components of aviation gasoline of 87 octane rating or higher, including alkylate, neohexane, iso-octane, hydrocodimers, isomate and hot acid octanes; iso-pentane, iso-butane, normal butane and butylenes, and mixtures of iso-butane, normal butane and butylenes; and aromatic hydrocarbons and base stocks or fractions to the extent manufactured for and used in aviation gasoline of 87 octane rating or higher.

§ 1340.158a Effective dates of amendments.

(zz) Amendment No. 52 (§ 1340.160 (a) (b)) to Revised Price Schedule No. 88 shall become effective January 4, 1943. (Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of December 1942. LEON HENDERSON, Administrator.

[F. R. Doc. 42-14111; Filed, December 29, 1942; 5:00 p. m.]

*Copies may be obtained from the Office of Price Administration.

PART 1340-FUEL [RPS 88,1 Amendment 53]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1340.159 (b), a new subparagraph (9) is added as set forth below:

§ 1340.159 Appendix A: Maximum prices for petroleum and petroleum products.

(b) Petroleum products. *

(9) Notwithstanding the provisions of other subparagraphs of this paragraph (b) or of paragraph (c) of this section, the maximum tank wagon prices for all fuel oils and heating oils including but not limited to kerosene, range oil, Nos. 1, 2, 3, 4, 5, and 6 fuel oil, Diesel oil and gas oil in the States of Connecticut, Delaware, Florida (east of the Apalachicola River), Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, West Virginia, Wisconsin, and in the District of Columbia shall be .3 of a cent per gallon above the maximum prices in the above states and the District of Columbia as determined under any provision of this price schedule which would otherwise govern except that the total amount charged on each lot sold shall be adjusted to the nearest cent.

§ 1340.158a Effective dates of amendments.

(aaa) Amendment No. 53 (§ 1340.159 (b) (9) of Revised Price Schedule No. 88, shall become effective 12:01 a. m., December 29, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of December 1942. LEON HENDERSON. Administrator.

[F.R. Doc. 42-14112; Filed, December 29, 1942; 5:00 p. m.]

> PART 1340-FUEL [MPR 137,2 Amendment 15]

PETROLEUM PRODUCTS SOLD AT RETAIL

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

¹7 F.R. 1107, 1371, 1798, 1799, 1886, 2132, 2304, 2352, 2634, 2945, 3463, 3482, 3524, 3576, 3895, 3963, 4483, 4653, 4854, 4857, 5481, 5867, 5868, 5988, 5983, 6057, 6167, 6471, 6680, 7242, 7838, 8433, 8478, 9120, 9134, 9335, 9425, 9460, 9620, 9621, 9817, 9820, 10684.

²7 F.R. 3165, 3749, 4273, 4653, 4780, 4853, 5363, 5868, 5941, 6057, 6896, 7902, 8353, 8938, 8948, 9335, 10684.

In § 1340.91, a new paragraph (h) is added as set forth below:

§ 1340.91 Appendix A: Maximum prices for petroleum products sold at retail establishments.

(h) Notwithstanding the provisions of other paragraphs of this section, the maximum prices for kerosene, range oil, No. 1 fuel oil and Diesel fuel oil for sellers at retail establishments in the States of Connecticut, Delaware, Florida (east of the Apalachicola River), Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, West Virginia, Wisconsin and in the District of Columbia shall be 0.3 of a cent per gallon above the maximum prices in the above states and the District of Columbia as determined under any provision of this maximum price regulation which would otherwise govern, except that the total amount charged on each lot sold shall be adjusted to the nearest cent.

§ 1340.93a Effective dates of amendments. *

(p) Amendment No. 15 (§§ 1340.91 (h)) to Maximum Price Regulation No. 137 shall become effective 12:01 a. m., December 29, 1942.

(Pub. Law 421, 729; 77th Cong. E.O. 9250. 7 F.R. 7871)

Issued this 29th day of December 1942. LEON HENDERSON, Administrator.

[F. R. Doc. 42-14110; Filed, December 29, 1942; 5:02 p. m.]

> PART 1358-TORACCO [MPR 260,1 Amendment 3]

> > CIGARS

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (e) § 1358.102 is amended: paragraph (e) of § 1358.102a is amended; § 1358.107 is revoked and a new § 1358.107 is substituted therefor and a new paragraph (c) is added to § 1358.115a, as set forth below:

§ 1358.102 * * *

(e) Maximum prices for new brands of domestic cigars. (1) The maximum list price and the maximum retail price

(2) Any manufacturer who determines the maximum prices of a new brand or size of domestic cigars pursuant to subparagraph (1) shall, within ten days after making such determination, send by registered mail addressed to the Office of Price Administration, Tobacco Section, Washington, D. C., a true and correct written statement setting

(i) The name of such new brand or size of domestic cigars, the maximum list price and the maximum retail price thereof as determined by the manufacturer pursuant to subparagraph (1) and the schedule of discounts and allowances to be applicable to sales thereof by the manufacturer to each class of purchaser.

(ii) The name and the maximum price of the brand of domestic cigars, if any, which the manufacturer considers to be of the same size and quality as such new brand or size of domestic cigars.

(iii) A full and complete description of the kinds and quantities of each grade of tobacco and all other materials to be used in the manufacture and packing of such new brand or size of domestic cigars, and the cost thereof computed on the basis of November 1, 1942 cost of tobacco and materials.

(iv) A full and complete itemization of all costs of labor to be used in the manufacture and packing of such new brand or size of domestic cigars computed on the basis of November 1, 1942

costs of labor.

(3) On and after twenty days from the receipt by the Office of Price Administration of the statement provided for in subparagraph (2), but not before, the manufacturer sending such statement shall be authorized to manufacture and sell, and every wholesaler and retailer may sell, and any purchaser may buy such new brand or size of domestic cigars for prices not in excess of the maximum prices so determined: Provided, that no manufacturer shall be authorized to manufacture and sell a new brand or size of domestic cigars the maximum prices of which have been determined under subparagraph (1) after receipt of written notice of objection to such maximum prices sent by the Office of Price Administration or by any duly

authorized officer thereof within said twenty day period.

(4) Manufacturer's and wholesalers' discounts on sales of a new brand or size of domestic cigars shall not be less than those allowed in March 1942 on their sales of cigars in the same price class to the same class of purchasers. Manufacturer's and wholesalers' price differentials in packings charged in March 1942 on sales of cigars in the same price class may be charged on sales of such new brand or size of domestic cigars, but shall not be increased. Manufacturer's and wholesalers' price differentials in pack-ings allowed in March 1942 on sales of cigars in the same price class shall be allowed on sales of such new brand or size of domestic clgars and shall not be reduced. If a new brand or size of domestic cigars is of a price class not previously sold by a particular manufacturer, the maximum discounts on sales thereof shall be those established under this Maximum Price Regulation No. 260 for domestic cigars of that price class by the most closely competitive manufacturer thereof and packing differentials charged or allowed shall not be greater or less respectively, than those charged or allowed by such most closely competitive manufacturer on sales of domestic cigars of that price class.

(5) On or before the first delivery of any new brand or size of domestic cigars to any purchaser, every seller (other than a retailer, shall notify the purchaser of the exact amount of his maximum list price and the exact amount of the maximum retail price of the cigars being sold by delivering to such purchaser a written statement as follows:

On our new brand and/or size (describe cigar) of domestic cigars we are authorized by the Office of Price Administration to establich a maximum list price of \$_____ per thousand and a maximum retail price of Manufacturer's and wholesalers' discounts on cales of this brand are to be not less than those allowed in March 1942 on their sales of cigars in the came price class to the same class of purchasers. All packing differentials charged in March 1942 on sales of cigars in the came price class may be charged on sales of this brand and may not be increased. packing differentials allowed in March 1942 on cales of cigars in the same price class are to be allowed on cales of this brand and may not be reduced. Wholesalers receiving this notice are required to give similar notice to every purchaser to whom they sall or deliver any of this brand of cigars on or before the first delivery to such purchaser. The Office of Price Administration requires you to keep this notice for examination.

(6) Any seller of any brand of domestic cigars other than private brands of a particular size, quality and price class, sold and delivered during March 1942 may sell such brand at the maximum prices established therefor under §§ 1358.102 and 1358.116 Appendix A under a new brand name, private or

^{*}Copies may be obtained from the Office of Price Administration. 17 F.R. 8997, 10255, 10475.

of any new brand or size of domestic cigars which a manufacturer desires to manufacture and sell after January 4, 1943, shall be determined by the manufacturer subject to the approval of the Office of Price Administration: Provided, That in the case of any new brand or size of domestic cigars of the same size and quality as a brand of domestic cigars for which maximum prices are established under §§ 1358.102 and 1358.116, Appendix A, the maximum prices of such new brand or size of domestic cigars shall be those established for cigars of that size and quality under §§ 1358.102 and 1358.116 Appendix A.

otherwise, without compliance with subparagraphs (2) and (3) of this section. Any seller of a private brand of domestic cigars of a particular size, quality and price class sold or delivered during March 1942 may sell such private brand at the maximum prices established therefor under §§ 1358.102 and 1358.116 Appendix A under a new private brand name, but only as a private brand, without compliance with subparagraphs (2) and (3) of this section. Any such sellers shall, however, comply with the provisions of subparagraphs (4) and (5) of this section.

(7) The maximum prices of any new brand or size of domestic cigars established pursuant to this paragraph (e) shall be subject to modification by the Office of Price Administration or any duly authorized officer thereof at any time.

§ 1358.102a * * *

(e) Maximum prices for new brands or sizes of imported cigars. (1) The maxiimum list price and the maximum retail price of any new brand or size of imported cigars which an importer desires to import and sell after January 4, 1943, shall be determined by the importer subject to the approval of the Office of Price Administration: Provided, That in the case of any new brand or size of imported cigars of the same size and quality as a brand of imported cigars for which maximum prices are established under §§ 1358.102a and 1358.117 Appendix B, the maximum prices of such new brand or size of imported cigars shall be those established for imported cigars of that size and quality under §§ 1358.102a and 1358.117 Appendix B.

(2) Any importer who determines the maximum price of a new brand or size of imported cigars pursuant to subparagraph (1) shall, within ten days after making such determination, send by registered mail addressed to the Office of Price Administration, Tobacco Section, Washington, D. C., a true and correct written statement setting forth

(i) The name of such new brand or size of imported cigars, the maximum list price and the maximum retail price thereof as determined by the importer pursuant to subparagraph (1) and a schedule of the discounts and allowances to be applicable to the importers' sales thereof to each class of purchasers.

(ii) The name and the maximum prices of the brand of imported cigars, if any, which the importer considers to be of the same size and quality as such new brand or size of imported cigars and the name of the manufacturer and importer thereof.

(iii) The name and address of the manufacturer of said new brand or size of imported cigars and a full and complete itemization of the cost thereof to the importer, including the importer's net landed cost and the manufacturer's net price.

(3) On and after twenty days from the receipt by the Office of Price Administration of the statement provided for in subparagraph (2), but not before, the importer sending such statement shall be authorized to sell, and every wholesaler and retailer may sell, and any person may

buy such new brand or size of imported cigars for prices not in excess of the maximum prices so determined: Provided, That no importer shall be authorized to import and sell a new brand or size of imported cigars the maximum prices of which have been determined under subparagraph (1) after receipt of written notice of objection to such maximum prices sent by the Office of Price Administration or by any duly authorized officer thereof within said twenty day period.

(4) Importer's and wholesalers' discounts on sales of a new brand or size of imported cigars shall not be less than those allowed in March 1942 on their sales of imported cigars in the same price class to the same class of purchasers. Importer's and wholesalers' price differentials in packings charged in March 1942 on sales of imported cigars in the same price class may be charged on sales of such new brand or size of imported cigars, but shall not be increased. Importer's and wholesalers' price differentials in packings allowed in March 1942 on sales of imported cigars in the same price class shall be allowed on sales of such new brand or size of imported cigars and shall not be reduced. If a new brand or size of imported cigars is of a price class not previously sold by a particular importer, the maximum discounts on sales thereof shall be those established under this Maximum Price Regulation No. 260 for imported cigars of that price class by the most closely competitive importer thereof and packing differentials charged or allowed shall not be greater or less, respectively, than those charged or allowed by such most closely competitive importer on sales of imported cigars of that price class.

(5) On or before the first delivery of any new brand or size of imported cigars to any purchaser, every seller (other than a retailer) shall notify the purchaser of the exact amount of his maximum list price and the exact amount of the maximum retail price of the cigars being sold by delivering to such purchaser a written statement as follows:

On our new brand and/or size (describe cigar) of imported cigars we are authorized by the Office of Price Administration to establish a maximum list price of \$_____ per thousand and maximum retail price of ____ cents each (or ____ for ___ cents). Importer's and wholesalers' discounts on sales of this brand are to be not less than those allowed in March 1942 on their sales of imported cigars in the same price class to the same class of purchasers. All packing differentials charged in March 1942 on sales of imported cigars in the same price class may be charged on sales of this brand and may not be increased. All packing differentials allowed in March 1942 on sales of imported cigars in the same price class are to be allowed on sales of this brand and may not be reduced. Wholesalers receiving this notice are required to give similar notice to every purchaser to whom they sell or deliver any of this brand of imported cigars on or before the first delivery to such purchaser. The Office of Price Administration requires you to keep this notice for examination.

(6) Any seller of any brand of imported cigars, other than a private brand of a particular size, quality and price class, sold and delivered during March

1942 may sell such brand at the maximum prices established therefor under §§ 1358.102a and 1358.117 Appendix B under a new brand name, private or otherwise, without compliance with subparagraphs (2) and (3) of this section. Any seller of a private brand of imported cigars of a particular size, quality and price class sold or delivered during March 1942, may sell such private brand at the maximum prices established therefor under §§ 1358.102a and 1358.117 Appendix B under a new private brand name, but only as a private brand, without compliance with subparagraphs (2) and (3) of this section. Any such sellers shall, however, comply with the provisions of subparagraphs (4) and (5) of this section.

(7) The maximum prices of any new brand or size of imported cigars established pursuant to this paragraph (e) shall be subject to modification by the Office of Price Administration or any duly authorized officer thereof at any time.

§ 1358.107 Federal and State taxes.
(a) The amount of all Federal taxes in effect on November 2, 1942, with respect to cigars is reflected in the maximum prices for cigars established by this Maximum Price Regulation No. 260 and no amount may be added to the maximum price of any seller with respect thereto?

(b) The amount of any State tax incident to the sale, delivery, processing or use of cigars which has customarily been added to the stated retail price thereof may be added to the maximum retail prices for cigars established by this Maximum Price Regulation No. 260.

(c) Any seller may at any time add to his maximum prices for cigars established by this Maximum Price Regulation No. 260 the amount of any new tax or any increase in an existing tax inoldent to the sale, delivery, processing or use thereof imposed upon the seller after November 1, 1942 by any statute of the United States or by any statute or ordinance of any State or subdivision thereof: Provided, That such amount has actually been paid or will be payable by the seller to the proper taxing authorities or to any prior vendor with respect to the particular cigars in question.

(d) If the amount of any such new tax, or increase in an existing tax which the seller may add under paragraphs (b) and/or (c) to his maximum prices includes the fractional part of a cent, the maximum price shall be adjusted to the next higher even cent, if the fraction is ½ cent or more, or to the next lower even cent if the fraction is less than ½ cent: Provided, That no retailer shall so adjust a maximum price for a single cigar of any brand to the next higher even cent unless he offers the same brand of cigars for sale in a multiple quantity sufficient to raise the amount of the new or increased tax applicable to such multiple quantity to the next higher even cent.

§ 1358.115a * * *

(c) Amendment No. 3 to Maximum Price Regulation No. 260 (§§ 1358.102 (e).

1358.102a (e), 1358.107, and 1358.115a (c)) shall become effective January 4,

(Pub. Laws 421 and 729, 77th Cong; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of December 1942. LEON HENDERSON. Administrator.

[F.R.Doc. 42-14113; Filed, December 29, 1942; 5:04 p. m.]

PART 1388-DEFENSE-RENTAL AREAS [Supp. Amendment 7A]

MAXIMUM RENT REGULATIONS FOR HOTELS AND ROOMING HOUSES

Paragraph (b) of §§ 1388.1506, 1388.1556, 1388.1606, 1388.1856, 1388.1906, 1388.1956, 1388.2006, 1388.3006, 1388.4006, 1388.5006, 1388.6006, 1388.7006, 1388.8006, 1388.9006, 1388.86, 1388.186, 1388.336, 1388.436, 1388.636, 1388.736, and 1388.836 of Maximum Rent Regulations Nos. 21A, 22A, 23A, 29A, 30A, 31A, 32A, 34A, 36A, 38A, 40A, 42A, 44A, 46A, 48A, 50A, 54A, 56A, 58A, 59A, and 61A, respectively, is amended by adding the following subparagraph (4) to the said paragraph (d) as follows:

(4) An occupant of a furnished room or rooms not constituting an apartment, located within the residence occupied by the landlord or his immediate family, where such landlord rents to not more than two occupants within such residence.

This Supplementary Amendment No. 7A to Maximum Rent Regulations for Hotels and Rooming Houses shall become effective December 30, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 29th day of December 1942. LEON HENDERSON, Administrator.

[F. R. Doc. 42-14114; Filed, December 29, 1942; 5:02 p. m.]

PART 1388—DEFENSE-RENTAL AREAS [Supp. Amendment 13]

MAXIMUM RENT REGULATIONS FOR HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

The first and second paragraphs of paragraph (c) of §§ 1388.16, 1388.66, 1388.116, 1388.166, 1388.216, 1388.266, 1388.216, 1388,316, 1388.416, 1388.366, 1388.466, 1388.516, 1388.566, 1388.616, 1388.666, 1388.716, 1388.766, 1388.816, 1388.866, 1388.916, 1388.966, 1388.1016, 1388.1656, 1388.1756, 1388.1806, 1388.2056, 1388.3056, 1388.4056, 1388.5056, 1388.6056, 1388.8 1388.716, 1388.7056, 1388.8056, 1388.36, 1388.136, 1388.236, 1388.286, 1388.386, 1388.586, 1388.686, and 1388.786 of Maximum Rent Regulations Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 24, 25, 26, 27, 28, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 52, and 60, respectively, are designated as subparagraphs (1) and (2) respectively, of the said paragraph (c) and a new subparagraph (3) is added to

the said paragraph (c) as set forth below:

(3) The provisions of this section shall not apply to an occupant of a furnished room or rooms not constituting an apartment, located within the residence occupied by the landlord or his immediate family, where such landlord rents to not more than two occupants within such residence.

This Supplementary Amendment No. 13 to Maximum Rent Regulations for Housing Accommodations other than Hotels and Rooming Houses shall become effective December 30, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 29th day of December 1942. LEON HENDERSON. Administrator.

[F. R. Doc. 42-14115; Filed, December 29, 1942; 5:01 p. m.]

PART 1412-SOLVENTS [MPR 295]

WEST COAST ETHYL ALCOHOL

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, and in accordance with Revised Pro-cedural Regulation No. 1, issued by the Office of Price Administration, Maximum Price Regulation No. 295 is hereby issued.

1412.151 Prohibition against cales of west coast ethyl alcohol above maxi-

mum prices. 1412.152 Applicability of the General Maxi-

mum Price Regulation. 1412.153 Applicability of Revised Price Schedule No. 28.

Less than maximum prices. 1412.154

1412.155 Export sales.

1412.156 Adjustable pricing.

Petitions for amendment. 1412.157

1412.158 Licensing.

1412.159 Evasion. 1412.160 Enforcement.

1412.161 Records and reports.

1412.162 Definitions.

1412.163 Geographical applicability.

1412.164

Effective dates.

Appendix A: Maximum prices for 1412.165 west coast ethyl alcohol.

AUTHORITY: §§ 1412.151 to 1412.165, inclusive, issued under Pub. Laws 421 and 723, 77th Cong.; E.O. 9250, 7 FR. 7871.

§ 1412.151 Prohibition against sales of west coast ethyl alcohol above maximum prices. (a) On and after December 29, 1942, regardless of any contract, agreement, lease, or other obligation:

(1) No person shall sell, deliver, or transfer west coast ethyl alcohol at higher prices than the maximum prices set forth in this regulation.

- (2) No person shall buy or receive west coast ethyl alcohol in the course of trade or business at higher prices than the maximum prices set forth in this regulation.
- (3) No person shall agree, offer, solicit or attempt to do any of the foregoing.
- (b) Any sales or deliveries of west coast ethyl alcohol not specifically referred to in Appendix A (§ 1412.165) shall be subject to the provisions of the General Maximum Price Regulation.2
- § 1412.152 Applicability of the General Maximum Price Regulation. Except as provided in § 1412.151 (b) the provisions of this regulation supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries of west coast ethyl alcohol for which maximum prices are established by this regulation.
- § 1412.153 Applicability of Revised Price Schedule No. 28.3 The provisions of this regulation supersade the provisions of Revised Price Schedule No. 28 with respect to sales and deliveries of west coast ethyl alcohol.
- § 1412.154 Less than maximum prices. Lower prices than those established by this regulation may be charged, demanded, paid, or offered.
- § 1412.155 Export sales. The maximum price at which a person may export west coast ethyl alcohol shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation, issued by the Office of Price Administration.
- § 1412.156 Adjustable pricing. Any person may offer or agree to adjust or flx prices to and at prices not in excess of the maximum prices in effect at the time of delivery. In appropriate situa-tions where a petition for amendment requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.
- § 1412.157 Petitions for amendment. Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revisied Procedural Regulation No. 1.
- § 1412.158 Licensing. The provisions of Supplementary Order No. 11° (§ 1305.15) licensing distributors of chemicals and drugs, shall be applicable to every distributor of west coast ethyl alcohol for which maximum prices are established by this regulation. The term "distributor" shall have the meaning given it by such Supplementary Order No. 11.

^{*}Copies may be obtained from the Office of Price Administration. 27 F.R. 8961.

²⁷ F.R. 3153, 3330, 3666, 3930, 3931, 4339, 4467, 4653, 4738, 5027, 5276, 5192, 5365, 5445, 5595, 5424, 5775, 5724, 5783, 6053, 6031, 6007, 6216, 6615, 6784, 6939, 7693, 7322, 7454, 7758, 7913, 8431, 8381, 8004, 8342, 8435, 8615, 8616, 6782, 3457

^{9732, 10155, 10454.} 27 FR. 1257, 2009, 2132, 3775, 7401, 7402, 8348.

⁴⁷ PR. 5059, 7242, 8329, 9000, 10530.

⁴⁷ F.R. 6167.

- § 1412.159 Evasion. The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to west coast ethyl alcohol, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying agreement, or other trade understanding, or by transactions with or through the agency of subsidiaries or affiliates or otherwise.
- § 1412.160 Enforcement. (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.
- § 1412.161 Reports and records. (a) Every person making sales of west coast ethyl alcohol for which maximum prices are established by this regulation, after December 28, 1942, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price contracted for or received, the quantity of each type and grade of such ethyl alcohol purchased or sold, and the type of container in which such ethyl alcohol was purchased or sold.
- (b) Such persons shall submit such reports to the Office of Price Administration and shall keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require.
- § 1412.162 Definitions. (a) When
- used in this regulation, the term:
 (1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions or any agency of any of the foregoing.
- (2) "Manufacturer" means a person operating a factory, plant, or distillery which manufactures or produces ethyl alcohol and includes any agent of such manufacturer.
- (3) "Primary reseller" means a person who purchases west coast ethyl alcohol in tank cars or carload lots from a manufacturer for resale.
- (4) "West coast ethyl alcohol" means ethyl alcohol, whether pure or denatured, of 188 proof or higher produced in California, Oregon, or Washington by fermentation of carbohydrate containing materials.
- (5) "Ethyl alcohol" means ethyl alcohol produced in an industrial alcohol plant for sale to any person or ethyl alcohol produced in any other type of plant for sale to the United States or any agency thereof.

- (6) "Shipping point" means the point of distribution maintained by a seller from which actual shipment is made.
- (7) "Gallon" means a wine gallon of 231 cubic inches unless the context otherwise requires.
- (8) "Drum" means a drum having a capacity of 50 gallons or more, unless the context otherwise requires.
- (b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.
- § 1412.163 Geographical applicability. The provisions of this regulation shall be applicable to the forty-eight states of the United States and the District of Columbia.
- § 1412.164 Effective dates. (a) This Maximum Price Regulation No. 295 shall become effective December 29, 1942.
- § 1412.165 Appendix A: Maximum prices for West Coast ethyl alcohol. The following maximum prices are established for West Coast ethyl alcohol. These maximum prices apply to sales of West Coast ethyl alcohol of 188-191.6 proof, except where otherwise specified.
- (a) Sales by manufacturers in quantites of 50 gallons or more (except sales by Lac Chemicals, Incorporated, and sales for which maximum prices are established by paragraph (g) below).

All prices listed in this paragraph (a) are f. o. b. works with freight equalized to San Francisco, California, and Los Angeles, California.

tonnage of formulae—(i) (1) Heavy Tank cars.

Per	gallon
CD12	\$0.405
CD13	. 405
CD14	.405
SD1	. 405
SD2B	.38
SD3A	.39
SD12A	.38
S23A	.40
SD23G	.44
SD23H	.40
Proprietary name solvent	

(ii) Sales other than in tank cars. The following amounts per gallon may be added to the maximum prices established in subdivision (i) of this subparagraph for sales other than in tank cars:

	C. L.	Quantity, l. c. l.		
Container		Över 950 gallons	50-950 gallons	
\$0.07 \$0.0		\$0.09 .13 .17 .24 .19 .24	\$0.12 .16 .20 .27 .22 .27	

- (2) Other formulae of denatured west coast ethyl alcohol and pure west coast alcohol—(i) Tank cars-Pure ethyl alcohol: \$0:38 per gallon.
- (b) Other formulae. The maximum price per gallon for denatured west coast ethyl alcohol of a formula not listed in subparagraph (1) above shall be a price determined as follows:

To the maximum tank car price for 100 gallons of SD2B west coast ethyl alcohol as established by subparagraph (1) (i) of this paragraph, add 115% of the net cost of the denaturants added to 100 gallons of undenatured ethyl alcohol to prepare the formula being priced; divide the sum thus obtained by the number of gallons of denatured ethyl alcohol which result from mixing 100 gallons of undenatured ethyl alcohol with the volume of denaturants added thereto to produce the formula being priced; round the thus determined price per gallon to the nearest half cent, and add \$0.01 per gallon. - The resulting figure is the maximum price per gallon of the formula of denatured west coast ethyl alcohol being priced.

"Net cost of the denaturants" means the delivered cost to the manufacturer of the denaturants actually used. Such "net cost" shall be determined in accordance with the accounting procedures in use by the manufacturer on September 30, 1942, for computing costs of material used, and shall not exceed the maximum delivered price to such manufacturer for such denaturants as established by any applicable regulation issued by the Office of Price Administra-

tion.

(ii) Sales other than in tank cars. The following amounts per gallon may be added to the maximum prices established in subdivision (i) of this subparagraph for sales other than in tank cars:

	Container C. L.	Quantity, i.e.l.		
Container		Over 950 gallons	£0-950 gallons	
Drums	\$0.07 .11 .15 .22 .17 .22	\$0.105 .145 .185 .255 .205 .205	\$0, 135 176 216 253 233 280	

(3) Pure and denatured west coast ethyl alcohol of proof higher than 191.6. For sales of pure west coast ethyl alcohol of higher than 191.6 proof and formulae of denatured west coast ethyl alcohol based on west coast ethyl alcohol of higher than 191.6 proof the following amounts may be added to the maximum prices established in subparagraphs (1) and (2) above:

Over 191.6 and less than 199.5 proof___ \$0.01 199.5-200 proof _____ 0.04

- (b) Sales by Lac Chemicals, Incorporated, in quantities of 50 gallons or over, Lac Chemicals, Incorporated, of Culver City, California, may add \$0.06 per gallon to the maximum prices established in paragraph (a) above, except that on sales of pure ethyl alcohol of 199.5-200 proof or denatured ethyl alcohol based on ethyl alcohol of 199.5-200 proof there may be added \$0.065 per gallon.
- (c) Sales by primary resellers in quantities of 50 gallons or more. For sales by a primary reseller in quantities of 50 gallons or more, the maximum prices, f. o. b. such primary reseller's shipping point, shall be the maximum prices established

by paragraphs (a) and (b) above plus an amount equal to the railroad freight for a shipment of the same quantity in the same kind of containers to such primary reseller's shipping point from manufacturer's works.

(d) Containers. No extra charge may be made for containers. The seller may, however, require the buyer to return containers, but where he does so the maximum prices for the contents of any such container as established by paragraphs (a), (b), and (c) above shall be decreased by \$1.65 in the case of drums, and in the case of other containers, by an amount equal to the maximum price established by the applicable regulation of the Office of Price Administration for a used container of the same kind in good condition, f. o. b. buyer's plant. Where a seller requires the return of a container, he may charge a reasonable deposit (not to exceed \$5.00 in case of drums) for the return of such containers. The deposit must, of course, be repaid to the buyer upon his return of the container in good condition within a reasonable time. Transportation costs with respect to the return of empty containers to the seller shall in all cases be borne by the seller.

(e) Tax paid West Coast ethyl alcohol. The amount of any tax paid under the provisions of section 2800 of the Internal Revenue Code by the seller thereof with respect to any west coast alcohol for which maximum prices are established by paragraph (a), (b), (c) and (d) above, less the amount of any drawback received by such seller with respect to such west coast ethyl alcohol under the provisions of section 2800 of the Internal Revenue Code, may be added by such seller to the maximum prices established by paragraphs (a), (b), (c) and (d) above for such west coast ethyl alcohol.

(f) Credit charges. The maximum prices established by this Regulation shall not be increased by any charges

for the extension of credit.

(g) West coast ethyl alcohol produced in converted alcoholic beverage distilleries. (1) Until and including June 30, 1943, the maximum prices for the sale to the United States or any agency thereof of west coast ethyl alcohol of 188 proof or higher produced in a converted alcoholic beverage distillery which prior to July 1, 1942 did not sell ethyl alcohol of 188 proof or higher exclusively, shall be the maximum prices set forth in paragraphs (a) and (d) of this section, or the maximum prices computed pursuant to the following formula:

Maximum price per gallon f. o. b. works shall be the sum of the following cost items per gallon, less the recovered values of dried feed, fusel oil or the

like, plus \$0.04:

(1) Raw materials, in the case of molasses, not to exceed an amount computed on the basis of \$18.00 per ton of 48% sugar content.

(2) Direct labor.

(3) Other conversion costs.

(4) Plant overhead.

(5) General and administrative expense, not in excess of three cents per gallon.

(2) Maximum prices computed pursuant to the formula contained in subparagraph (1) of this paragraph shall be determined for each calendar quarterly three month period. For the period after a converted beverage distillery starts production of ethyl alcohol of 188 proof or higher, and until the end of the first full calendar quarterly three month period thereafter, such maximum prices may be computed on the basis of estimated cost items. The prices for each succeeding calendar quarterly three month period, however, shall be computed on the basis of the actual cost items for the preceding period.

(3) Reports of all prices computed pursuant to the formula contained in subparagraph (1) of this paragraph shall be submitted to the Office of Price Administration, Washington, D. C. on a form to be obtained from that Office upon written request. The report for the first period after a converted alcoholic beverage distillery starts production of ethyl alcohol of 188 proof or higher for which maximum prices are computed pursuant to such formula shall be submitted within twenty days after the first sale of such ethyl alcohol by such producer, and shall show the prices he proposes to charge and the estimated cost items upon which such prices are based. Within twenty days after the end of the first period, and within twenty days after the end of each succeeding period, there shall be submitted a report on such form. Such maximum prices shall be subject to disapproval in writing at any time by the Office of Price Administration, and if a maximum price reported by a producer pursuant to this paragraph is revised downward by the Office of Price Admin-

Issued this 29th day of December 1942. LEON HUNDERSON. Administrator.

istration, and if any payment has been

made at the reported price, the producer

may be required to refund the excess.

IF. R. Doc. 42-14117; Filed, December 23, 1942; 5:01 p. m.]

PART 1412—SOLVERTS

[Temporary MPR 24]

SALES OF MOLASSES TO WEST COAST ETHYL ALCOHOL DISTILLERS

In the judgment of the Price Administrator, it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, to issue a temporary regulation, establishing as the maximum prices for sales of molasses to ethyl alcohol distillers to be used in West Coast plants, the prices prevailing with respect thereto within the five days prior to the issuance of this regulation.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 12 issued by the Office of Price Administration, Temporary Maximum Price Regulation No. 24 is hereby issued.

1412.201 Prohibition against dealing in molacces sold to ethyl alcohol dis-tillers to be used in West Coast plants at prices above the maximum prices.

1412.202 Maximum prices for sales of molactes to ethyl alcohol distillers to be used in West Coast plants.

1412.203 Los than maximum prices. 1412.234 Applicability of the General Maximum Price Regulation.

1412205 Records and reports. 1412.236 Lyggion.

1412,207 Enforcement.

1412203 Petitions for amendment.

1412.203 Definitions.

1412.210 Effective dates.

AUTHORITY: §§ 1412.201 to 1412.210, inclucive, icaued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9259, 7 FR. 7871.

§ 1412.201 Prohibition against dealing in molasses sold to ethyl alcohol distillers to be used in West Coast plants at prices above the maximum prices. From December 29, 1942, to February 27, 1943, inclusive, regardless of any contract or other obligation: (a) No person shall sell or deliver molasses to an ethyl alcohol distiller to be used in a West Coast plant at prices higher than those established by this regulation.

(b) No distiller of ethyl alcohol shall buy or receive molasses to be used in a West Coast plant at prices higher than those established by this regulation.

(c) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

§ 1412.202 Maximum prices for sales of molasses to ethyl alcohol distillers to be used in West Coast plants. (a) A seller's maximum price to a particular ethyl alcohol distiller for molasses to be used in a West Coast plant shall be the price charged by that seller to that buyer for a delivery made during the period December 23, 1942, to December 28, 1942, inclusive.

(b) Where a seller, during the period December 23, 1942, to December 23, 1942, inclusive, did not make a delivery to a particular ethyl alcohol distiller, that seller's maximum price to such buyer for molasses to be used in a West Coast plant shall be the price at which a delivery would have been made to that buyer during the period December 23, 1942, to December 23, 1942.

§ 1412.203 Less than maximum prices. Lower prices than those established by this regulation may be charged, demanded, paid, or offered.

§ 1412.204 Applicability of the General Maximum Price Regulation.2 The provisions of this regulation supersede the provisions of the General Maximum

²⁷ F.R. 8361.

²⁷ FR. 3153, 3330, 3666, 3930, 3991, 4333, 4487, 4039, 4738, 5927, 5276, 5192, 5365, 5445, 5053, 5484, 5775, 5784, 5783, 6083, 6081, 6007, 6216, 6015, 6784, 6339, 7033, 7322, 7484, 7783, 7013, 8431, 6291, 8004, 8342, 9435, 9315, 9316, 9732, 10155, 10454.

Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation.

§ 1412.205 Records and reports. (a) Each person subject to this regulation shall preserve for examination by the Office of Price Administration all his existing records relating to sales and deliveries to ethyl alcohol distillers of molasses to be used in West Coast plants.

(b) Each person subject to this regulation shall make and preserve for examination by the Office of Price Administration records of the same kind as he has customarily made relating to sales of molasses for which maximum prices are established by this regulation.

(c) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in the place of the records required in paragraphs (a) and (b) of this section as the Office of Price Administration may from time to time require.

§ 1412.206 Evasion. The prices set forth in this regulation shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to, any molasses for which maximum prices are established by this regulation, alone or in connection with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying agreement or other trade understanding, or otherwise.

§ 1412.207 Enforcement. Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Emergency -Price Control Act of 1942, as amended.

§ 1412.208 Petitions for amendment. Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

§ 1412.209 Definitions. (a) When sed in this regulation the term:

used in this regulation the term:
(1) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States, or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Ethyl alcohol" means ethyl alcohol, whether pure or denatured, of 188 proof or higher, produced in an industrial alcohol plant for sales to any person or produced in any other type of plant for sale to the United States or any agency thereof.

(3) "West Coast plant" means a plant situated in California, Oregon, or Washington.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended shall apply to other terms used herein.

§ 1412.210 Effective dates. (a) This regulation shall become effective Decem-

ber 29, 1942, and shall, unless earlier revoked or replaced, expire at 12 o'clock midnight, February 27, 1943.

Issued this 29th day of December 1942.

LEON HENDERSON,

Administrator.

[F. R. Doc. 42-14116; Filed, December 29, 1942; 5:01 p. m.]

PART 1429-POULTRY AND EGGS

[Rev. MPR 269, Amendment 2]

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

New paragraph (b) of § 1429.25, new § 1429.26, and new § 1429.27 are added; all to read as set forth below:

§ 1429.26 Permitted increase in maximum base price for ducks. During the period this Amendment 2 is in effect the maximum base prices for ducks set forth in "Table A" of § 1429.19 (d) of Revised Maximum Price Regulation No. 269 are temporarily adjusted to read as follows:

NEW YORK
[Cents per pound]

Type	Weight	Livo	Dressed	Kosher- killed	Drawn	Quick-frozen eviscerated
Ducks	All weights	27	27	31	40	43

PACIFIC COAST

Los Angeles—San Francisco—Seattle—Portland [Cents per pound]

Ducks	All weights	273/2	271/2	311/2	401/2	431/2

This permitted adjustment in such maximum base prices is limited to the poultry items designated herein delivered to the buyer's customary receiving point in any place in the United States.

§ 1429.27 Period this Amendment 2 shall continue in effect. This Amendment 2 (§ 1429.26) shall continue in effect until twelve o'clock midnight on January 15, 1943.

§ 1429.25 Effective dates of amendments. * * *

(b) Amendment No. 2 (§§ 1429.26 and 1429.27) to Revised Maximum Price Regulation No. 269 shall become effective December 29, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 29th day of December 1942.

Leon Henderson.

Approved:

PAUL H. APPLEBY,

Acting Secretary of Agriculture.

Administrator.

[F. R. Doc. 42-14118; Filed, December 29, 1942; 5:00 p. m.]

¹7 F.R. 10708, 10864.

PART 1499—COMMODITIES AND SERVICES
[Amendment 47 to Supp. Rog. 1 1 of GMPR 2]
AVIATION GASOLINE AND COMPONENTS. ETG.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1499.26 (a) (25) subdivisions (i) and (ii) are amended as set forth below:

§ 1499.26 Exceptions for certain commodities and certain sales and deliveries. (a) General Maximum Price Regulation shall not apply to any sale or delivery of the following commodities:

(25) Aviation gasoline and components, synthetic rubber and components, toluene manufactured from petroleum and agricultural components used in the manufacture of furfural. (i) Aviation gasoline of 87 octane rating or higher.

(ii) The following to the extent sold or delivered for use in the manufacture of aviation gasoline of 87 octane rating or higher; components of aviation gasoline of 87 octane rating or higher, including but not limited to, alkylate, nechexane, iso-octane, hydrocodimers, isomate, and hot acid octanes; iso-pentane, iso-butane, normal butane and butylenes; and aromatic hydrocarbons and base stocks or fractions thereof.

(e) Effective dates. * * * (48) Amendment No. 47 (§ 1499.26 (a) (25) (i) (ii)) to Supplementary Regulation No. 1 shall become effective January 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of December 1942.

Leon Henderson,

Administrator.

[F. R. Doc. 42-14119; Filed, December 29, 1944; 5:00 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 11,3 Amendment 18]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In subparagraph (1) of paragraph (b) of § 1394.5201, the phrase "January 7, 1943" is amended to read "December 28, 1942"; in subparagraph (2) of said para-

*Copies may be obtained from the Office of Price Administration.

17 F.R. 3158, 3488, 3892, 4183, 4410, 4428, 4487, 4488, 4493, 4669, 5066, 5192, 5276, 5366, 5484, 5607, 5717, 5942, 6082, 6473, 6685, 7011, 7250, 7317, 7598, 7604, 7739, 8336, 8652, 8798, 10557, 8930, 8833, 9082, 9131, 9616, 9622, 9075, 9976, 10022, 10718.

27 F.R. 3153, 3330, 3666, 3990, 3991, 4330, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5755, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6704, 6939, 7093, 7322, 7454, 7768, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454.

⁸7 F.R. 8480, 8708, 8800, 8897, 9316, 9396, 9492, 9427, 9430, 9621, 9784, 10153, 10081, 10379, 10530, 10531, 10780, 10707.

^{*}Copies may be obtained from the Office of Price Administration.

graph (b), the phrase "January 6, 1943" is amended to read "December 28, 1942"; in subparagraph (3) of said paragraph (b), the phrase "January 5, 1943" is amended to read "December 28, 1942"; in subparagraph (4) of said paragraph (b), the phrase "January 3, 1943" is amended to read "December 28, 1942"; and a new subparagraph (5) is added to said paragraph (b); paragraph (a) of § 1394.5707 and paragraph (a) of § 1394.5723 are amended; a new paragraph (d) is added to § 1394.5731 and a new paragraph (r) is added to § 1394.5902; as set forth below:

Coupon Sheets

§ 1394.5201 Class 1 and Class 2 Coupon Sheets. * * * (b) * * *

(5) Notwithstanding the provisions of subparagraphs (1), (2) and (3) of this paragraph, coupons numbered "3" shall be valid from December 23, 1942, in the states of North Dakota, South Dakota, Nebraska, Kansas, Missouri, Minnesota, Iowa, Wisconsin, Michigan, Illinois, Indiana, Ohio and Kentucky. Such coupons shall expire as specified in subparagraphs (1), (2) and (3) of this paragraph.

Restrictions on Transfers to Dealers and Suppliers

§ 1394.5707 Restriction on transfers. (a) Except as provided in § 1394.5708, on and after November 1, 1942, no primary supplier within or without the limitation area, and no dealer or supplier within the limitation area, shall transfer or offer to transfer fuel oil to any dealer or supplier within the limitation area, and no dealer or supplier within the limitation area shall accept such transfer, except in exchange (made at, or at the option of the transfer or within five (5) days after, the time of the actual transfer of fuel oil or in advance thereof) for valid coupons bearing an inscribed serial number, or for other evidences, equal in gallonage value to the amount of the fuel oil transferred, or (where transfer is regularly made on a temperature adjustment basis) equal in gallonage value to the adjusted amount of fuel oil transferred: Provided, That no dealer or supplier shall knowingly transfer, or accept the transfer of, an amount of fuel oil in exchange for any exchange certificate in excess of the amount of fuel transferred for the coupons or exchange certificates for which such exchange certificate was issued. No exchange of coupons or other evidences shall accompany a transfer of fuel oil directly from without the limitation area to a primary supplier within the limitation area, or a transfer from one primary supplier to another primary supplier.

Use of Coupons and Other Evidences

§ 1394.5723 Exchange of coupons or acknowledgments. (a) A supplier may at any time deliver to any Board in the limitation area coupons or other evidences, including exchange certificates, and obtain in return an exchange certificate or certificates (on Form OPA R-1118) equal to the gallonage value of the coupons or other evidences delivered. Such supplier shall attach to such

coupons or other evidences the summary required by § 1394.5722. The Board shall furnish him in return an exchange certificate equal in gallonage value to the value of coupons or other evidences delivered. Exchange certificates shall be prepared in duplicate by the Board and shall be signed both by the supplier and by an authorized agent or member of the Board. The duplicate of such certificate shall be retained for the files of the Board. No supplier shall knowingly accept for exchange certificates delivered to the Board another exchange certificate of a gallonage value in excess of the amount of fuel oil transferred for the coupons or exchange certificates for which such exchange certificates were issued.

Reports, Audits and Inspections

§ 1394.5731 Reports by primary suppliers. * *

(d) No primary supplier shall knowingly submit with his report to the Control and Audit Unit an exchange certificate of gallonage value in excess of the amount of fuel oil transferred in exchange for the coupons or exchange certificates for which such exchange certificate was issued.

Effective Dates

§ 1394.5902 Effective dates of amendments and corrections.

(r) Amendment No. 18 (§§ 1394.5201 (b), 1394.5707 (a), 1394.5723 (a) and 1394.5731 (d)) to Ration Order No. 11 shall become effective December 24, 1942.

(Pub. Law 671, as amended by Pub. Laws 89 and 507, Pub. Law 421, W.P.B. Directive No. 1, 7 F.R. 562, Supp. Directive No. 1-0, 7 F.R. 8418; E.O. No. 9125, 7 F.R. 2719)

Issued this 24th day of December 1942.

Leon Henderson,

Administrator.

[F. R. Doc. 42-13925; Filed, December 24, 1942; 3:03 p. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications
Commission

PART 1—RULES OF PRACTICE AND PROCEDURE OFFICES; HOURS

The Commission on December 26, 1942, effective immediately, amended § 1.1 Offices; hours as follows:

§ 1.1 Offices; hours. The principal office of the Commission shall be located at Washington, D. C., and all communications to it shall be addressed to the Secretary, Washington, D. C., unless otherwise specifically directed. The hours of the Commission are from 9: 15 a. m. to 5: 45 p. m., Monday to Saturday, inclusive, except on legal holidays. (Sec. 4(i), 48 Stat. 1068; 47 U.S.C. 154(i))

By the Commission.

[SEAL]

T. J. Slowie, Secretary.

[F.R. Doc. 42-14132; Filed, December 30, 1942; 10:59 a. m.]

[Order No. 103]

PART 4—RULES GOVERNING BEOADCAST SERVICES OTHER THAN STANDARD BROAD-CAST

INTERNATIONAL PROADCAST STATIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22nd day of December, 1942;

It appearing that the Interdepartmental Committee for International Radiobroadcasting Facilities, with the approval of the Board of War Communications and the Commission, has arranged through the Office of War Information and the Office of Coordinator of Inter-American Affairs to coordinate the operation of all international broadcast stations in the interests of the Government for the conduct of psychological warfare; and

It appearing that international broadcast stations are now under direct supervision of the Government and that the suspension until further order of the Commission of certain sections of the Rules and Regulations of the Commission governing international broadcast stations will insure maximum flexibility of operation.

It is ordered, That the following sections or portion thereof, of the Rules and Regulations of the Commission be, and they are hereby, suspended until further order of the Commission:

1. Paragraph (f) (1), (2) and (3) of § 4.43 which reads as follows:

§ 4.43 * * *

(f) (1) Each licensee of an international broadcast station shall make verbatim mechanical records of all international programs transmitted.

(2) The mechanical records, and such manuscripts, transcripts, and translations of international broadcast programs as are made shall be kept by the licensee for a period of two years after the date of broadcast and shall be furnished the Commission or be available for inspection by representatives of the Commission upon request.

(3) If the broadcast is in a language other than English the licensee shall furnish to the Commission upon request such record and scripts together with complete translations in English.

2. Paragraphs (d) and (e) of § 4.44 thich read as follows:

6444 * * *

(d) An international broadcast station will not be authorized to use more than one frequency listed in any group listed in paragraph (a) without a showing of technical necessity.

(e) Not more than one frequency shall be used simultaneously under the same authorization and call letter designation.

3. Section 4.46 which reads as follows:

§ 4.46 * * *

A supplemental report shall be filed with and made a part of each application for renewal of license and shall include statements of the following:

(a) The number of hours operated on each frequency.

² 6 F.R. 4303, E455.

special international interest.

(c) Outline of reports of reception and interference and conclusions with regard to propagation characteristics of the frequency assigned.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION.

T. J. SLOWIE, Secretary.

[F. R. Doc. 42-14133; Filed, December 30, 1942; 10:58 a. m.]

PART 9-RULES AND REGULATIONS GOVERN-ING AVIATION SERVICES

HAWAIIAN CHAIN AND FEEDERS

The Commission on December 22, 1942, effective immediately, amended § 9.73 Frequencies available for assignment to chain systems 1 as follows:

Change the designation of the present paragraph (g) to paragraph (h).

Substitute the following for the present paragraph (g):

§ 9.73 Frequencies available for assignment to chain systems. *

(g) Hawaiian chain and feeders (green). Available for aeronautical and aircraft stations:

5375 4742.5 _ 6610

Available for aeronautical fixed stations (A-1 emission only):

7700 10 / 4650

By the Commission.

[SEAL]

T. J. SLOWIE, Secretary.

8070 10

[F. R. Doc. 42-14134; Filed, December 30, 1942; 10:58 a. m.]

[Order No. 83-C]

PART 13-RULES GOVERNING COMMERCIAL RADIO OPERATORS

RADIOTELEGRAPH OPERATOR'S QUALIFICATIONS

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 22nd day of December, 1942;

The Commission having under further consideration the matter of the shortage of radiotelegraph operators possessing six months' previous service as a qualified operator in a station on board a ship or ships of the United States, and having in mind the related provisions of sections 351 and 353 of the Communications Act of 1934, as amended, and

It appearing that the Commission by Orders Nos. 83, 83-A, and 83-B suspended for the periods July 9, 1941, to January 9, 1942, January 9, 1942, to July 9, 1942, and July 9, 1942, to January 9, 1943, respectively, the requirements of six months' previous service contained in

(b) A list of programs transmitted of 'section 353 (b) of said Act and paragraphs (c) (3) and (d) (2) of § 13.61 1 of the Rules and Regulations: and

> It appearing further that a shortage of radiotelegraph operators available for assignment as qualified operators on board cargo ships of the United States. who possess six months' previous service, will continue to exist subsequent to January 9, 1943, and accordingly, further suspension of the foregoing requirement is necessary;

> It is ordered, That the aforesaid requirements contained in section 353 (b) of the Communications Act of 1934, as amended, and in paragraphs (c) (3) and (d) (2) of § 13.61 of the Rules and Regulations be, and the same are hereby. suspended for a further period beginning January 9, 1943 and ending June 30, 1943.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION. T. J. SLOWIE, Secretary.

[F. R. Doc. 42-14135; Filed, December 30, 1942; 10:58 a. m.]

PART 31-UNIFORM SYSTEM OF ACCOUNTS CLASS A AND CLASS B TELEPHONE COM-PANIES

STANDARD PRACTICES FOR PROPERTY RECORDS OF TELEPHONE COMPANIES

The Commission on December 22, 1942. effective July 1, 1943, amended as follows Standard Practices for the Establishment and Maintenance of Continuing Property Records by Telephone Companies having Average Annual Operating Revenues in Excess of \$2,000,000, originally adopted September 15, 1942:

The note on the title page was eliminated and a new paragraph 10 was adopted. The "Standard Practices" therefore reads as follows:

1. Plant or accounting areas. (a) The continuing property record, as related to each primary plant account, shall be classified by subaccounts for each plant or accounting area. Areas already established for administrative, accounting, valuation, or other purposes may be adopted for this purpose when appropriate. In no case shall the boundaries of accounting areas cross State lines. In determining the limit of each area consideration shall be given to the quantitles of property, construction conditions, operating districts, county and township lines, taxing district boundaries, city limits, and other political or geographical limits, in order that the property areas adopted may have a maximum adaptability, within the confines of practicability, for both the company's purposes and those of Federal, State, and municipal authorities. Areas once de-termined shall not be changed without notifying the Commission thirty days in advance of any proposed change in this respect.

(b) Not later than June 30, 1944, there shall be filed with the Commission four copies of a list of accounting areas, to be accompanied by descriptions of the

boundaries of each area. Description of all proposed changes in accounting areas shall be submitted in quadruplicate concurrently with notice to the Commission of the change in areas.

2. Property-record units, "retirement units", and minor items. (a) In each of the established area subaccounts the basic units of physical property, here-inafter called "property-record units", in terms of which the perpetual inventory is to be maintained, shall be set forth separately, classified by size and type and with the amount of original (or other appropriate book) cost-associated immediately with each such unit. Each company, in submitting the prescribed list of property-record units, shall show with respect to each unit of "depreciable plant" the comprised "units of property" conforming to those listed in Part 32 (Units of Property: Telephone Companies) of the Commission's Rules and Regulations, hereinafter referred to for convenience in distinction as "retirement units". When a list of propertyrecord units has been accepted by the Commission, the property-record units set forth therein shall become the basic units referred to in this statement of standard practices.

(b) With respect to plant classifiable in account 207, "Right of way", or account 211, "Land", the units to be set forth as constituents of the propertyrecord units shall consist of parcels of land (unless the nature of an item included in account 207 makes this provision inapplicable). Each land parcel shall be identified as to function and location. In the continuing property record or in records supplemental thereto there shall be shown with respect to each parcel the area, identity of vendor, grantor, or other conveyer of title or rights, identification of deed, lease, or other instrument, and original cost.

(c) The records shall reveal the essential details of construction and the cost of each building, each central office in each building, and each large private branch exchange. The underlying records of construction cost should be so analyzed and the analyses so maintained that, upon any retirement of one or more retirement units comprising part of a property-record unit, a reasonably accurate estimate of the retirement can be made.

(d) The record shall show the number and nature of items included in account 261, "Furniture and office equipment", and account 264, "Vehicles and other work equipment," whether such items are retired on an average retirement unit cost basis or otherwise.

3. Method of determining original cost of basic property-record units. Original cost of the basic units shall be determined on the completion reports covering the respective construction work orders or authorizations: Provided, That in those cases where the actual original cost of property installed prior to January 1, 1937, by the company maintaining the continuing property records cannot be ascertained, such original cost shall be estimated. Such estimated original cost shall be consistent with the accounting practices in effect at the time of construc-

¹⁶ F.R. 888, 1522, 1541, 2878, 3042, 4419.

¹⁰ These frequencies are assigned upon the express condition that no interference will be caused to any service or any station which, in the discretion of the Commission, may have priority on the frequency or frequencies with which interference results. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

¹⁷ F.R. 3045, 4799.

tion of the property. The term "original cost" as used in this statement of standard practices shall mean the actual money cost of (or the current money value of any consideration other than money exchanged for) property at the time when it was first dedicated to the public use, whether by the accounting company or by predecessors. The term "original cost" shall also be used for convenience hereinafter to mean any book cost properly includible in account 100:1, account 100:3, or account 103 under the provisions of Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) of the Commission's Rules and Regulations.

4. Average unit costs. (a) With respect to plant consisting of a large num-· ber of similar units, such as poles or wire, units of similar size and type within each specified area subaccount may be grouped according to each year of construction subsequent to 1936 and according to such more extended periods (not to exceed three years) prior to 1937 as the Commission may authorize upon a showing sufficient to warrant the adoption of such longer periods, except that the Commission may authorize periods longer than three years with respect to particular accounts. Each such average unit cost for each year (or longer authorized period) shall be set forth in the continuing property record.

(b) The averaging of unit costs permitted under the provisions of the foregoing paragraph is restricted to the averaging of costs incurred within a plant or accounting area of the nature defined in foregoing paragraph 1 (a). The provisions of paragraph 4 (a) shall not be interpreted as permitting the inclusion within such average cost of any unusual or special construction expenditures which would distort the normal unit cost otherwise applicable to the specific year (or authorized extended period) of construction. The units of each size and type to which such unusual or special construction costs are applicable shall be segregated and recorded at actual original cost.

(c) When classes of plant are subdivided between exchange and toll, the bases of the average unit costs shall be confined to items priced in the respective subdivisions.

5. Identification of basic units. There shall be shown in the continuing property record, or in records supplemental thereto, both with respect to property installed or acquired prior to January 1, 1937, and that installed or acquired subsequent to December 31, 1936, a complete description of the basic units in such detail as to identify plainly such units and to permit of a ready estimate of the cost thereof. Such description shall include the identification of the work order under which constructed, the date when charged to the appropriate asset account (unless not determinable at reasonable expense with respect to past acquisitions or installations), the date of installation if substantially different therefrom, the specific location of the property within each plant or accounting area, the manufacturer's or vendor's name and number or other identification imprinted thereon, the accounting company's number or designation, and any other description used in connection with the determination of the original cost. Descriptions of units of similar size and type shall follow prescribed groupings. Identification by manufacturer's serial number may be omitted when not required for a determination of the age of the unit.

6. Reinstalled units. When units with respect to which average unit costs are not applied under the practices herein prescribed are removed or retired and subsequently reinstalled, the date when the unit was first charged to the appropriate plant account shall be shown in addition to the date of reinstallation.

7. Age of property. The continuing property record or records supplemental thereto shall be so maintained (unless the Commission authorizes different treatment with respect to specific periods or accounts) as to permit the determination of the age of existing property and the actual service life of property retired.

8. References to sources of information. There shall be shown by appropriate reference the source of all entries. All drawings, computations, and other detailed records which support either the quantities or the costs included in the continuing property record shall be retained as a part of the continuing property record.

9. Jointly owned property. (a) With respect to jointly owned property there shall be shown;

1. The identity of all joint owners.

2. The percentage of ownership of the physical units vested in the accounting company, with a statement of whether a divided or undivided interest is owned.

3. The percentage of the total cost of the jointly owned property reflected in the continuing property record, with an explanation of any disparity from the percentage shown in compliance with the next preceding subparagraph.

Note: The sale of a part interest in a pole shall be recorded by crediting the amount received as a reduction of the gross cost of the pole in place, if the cale is made within the calendar year during which the pole was installed. If the cale is made after the year of installation, it shall be recorded by treating the fractional interest cold as a retirement and the amount received as calvage. The record shall be co-maintained as to identify retirements of this nature (showing dates of installation and cale) esparately from physical retirements of jointly owned poles.

(b) If jointly owned property is substantial in relation to the total of the same kind of property owned wholly by the company, such jointly owned property shall be appropriately segregated in the continuing property record.

10. These Standard Practices shall become effective July 1, 1943, and shall apply to all telephone companies having average annual operating revenues in excess of \$2,000,000. Telephone companies whose average annual operating revenues are not in excess of \$2,000,000 need not follow these Standard Practices unless required to do so by a State commission or other regulatory authority.

By the Commission.

[SEAL]

T. J. Slowie, Secretary.

[F. R. Doc. 42-14136; Filed, December 30, 1942; 10:53 a. m.]

PART 43—REPORTS (RULES GOVERNING THE FILING OF INFORMATION, CONTRACTS, PE-RIODIC REPORTS, ETC.)

Wire telegraph and ocean cable carriers' Monthly reports

The Commission on December 22, 1942, effective January 1, 1943, adopted the attached forms for monthly reports for wire telegraph and ocean-cable carriers in connection with §43.31 Telegraph, cable, radiotelegraph, and telephone carriers required to file, of the Commission's Rules and Regulations. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—sec. 219, 48 Stat. 1077; 47 U.S.C. 219)

By the Commission.

[SEAL]

T. J. Slowie, Secretary.

[F. R. Doc. 42-14137; Filed, December 30, 1942; 10:53 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 154-Inventories 2

STEAL! EQADS

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 18th day of December, A. D. 1942.

It is ordered, That Valuation Orders Nos. 4 and 22, relating to inventory of materials and supplies, made and entered by the Commission under dates of June 25, 1914, and July 26, 1918 (Sec. 154.0 of Title 49, Code of Federal Regulations) respectively, be, and they are hereby revoked and set aside:

It is further ordered, That this order shall become effective January 1, 1943. By the Commission, Division 2.

[SEAL]

W. P. BARTEL, Secretary.

[P. R. Doc. 42-14149; Filed, December 80, 1942; 11:38 a. m.]

²Filed as part of the original document. ²7 PR. 6441.

TITLE 49 — TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Exemption Order ODT 21-3]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—EXCEPTIONS, PERMITS, AND EXEMPTIONS

SUBPART M—CERTIFICATES OF WAR NECESSITY

PARTIAL EXEMPTION OF FLEET OPERATORS—RECORDS

Pursuant to Executive Order No. 8989 and Executive Order No. 9156, It is hereby ordered, That:

§ 521.3502 Partial exemption of fleet operators; records. Fleet operators of commercial motor vehicles used in the transportation of persons upon the highways, or available for public rental, who maintain tire records showing with respect to each tire its brand or serial number, wheel position, date installed and removed, cause of removal, size, type (new, recap, or retread), and ac-cumulated mileage, and whose tires are inspected and certified by an inspector designated by the Office of Price Administration, are hereby exempted from maintaining a record of tire inspections of any particular fleet unit on the reverse side, or in accordance with the form provided on the reverse side, of the fleet unit Certificate of War Necessity pertaining to such vehicle.

This exemption order (§ 521,3502) shall become effective on January 1, 1943, and shall remain in full force and effect until further order. (E.O. 8989, 9156; 6 F.R. 6725, 7 F.R. 3349; Gen. Order ODT 21, as amended, 7 F.R. 7100, 9006, 10025)

Issued at Washington, D. C., this 28th day of December, 1942.

JOSEPH B. EASTMAN, Director of Defense Transportation.

[F. R. Doc. 42-14103; Filed, December 29, 1942; 12:09 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[General Docket No. 19]

DISTRICT 2

NOTICE OF AND ORDER FOR HEARING

In the matter of promulgating an order making limited prohibitions against the sale of coal for which no minimum prices, temporary or final, have been established.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by Bituminous Coal Producers Board for District No. 2 requesting that the record in the above-entitled matter be reopened and that the order issued therein on October 9, 1940, and effective on October 14, 1940, be amended;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 20, 1943, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section will advise as to the room where such hearing will be held.

It is further ordered, That Travis Williams, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of any appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any such person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with section VIII b of the Rules of Practice and Procedure before the Division prior to or at the time the aboveentitled matter is called for hearing. Such petition of intervention must set forth the grounds of the proposed intervention, the position and interest of the intervenor in the proceeding and, if affirmative relief is sought, it must conform to the requirements of section VI of said Rules of Practice and Procedure.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition other matters necessarily incidental and related therefo, which may be raised by amendment to the petition, petitions of intervention or otherwise or which may be necessary corollaries to the relief, if any granted on the basis of this petition.

The matter concerned herewith is in regard to the petition filed herein requesting that the order issued in General Docket No. 19 on October 9, 1940, and effective on October 14, 1940, be amended to read substantially as follows:

That no Code member shall sell bituminous coal produced by such Code member for which minimum prices, temporary or final, have not been established by the Division: Provided, however, That as to coal regarding which a 4 II (d) petition for the establishment of a classification or price has been filed with the Division, this prohibition against the sale of coal shall not be effective after thirty (30) days from the date of filing such petition, and during said thirty (30) days period, such code member may sell coal at prices not less than the minimum prices proposed therefor by the district board of the district in which such code member is a producer: And, provided, further, That as to unpriced coal

which is being produced and prepared by new acceptants of the Bituminous Coal Code at the time of filing acceptance thereof, this prohibition against the sale of coal shall not apply after thirty (30) days from the date of filing such acceptance. (Italics indicate amendatory matter.)

Dated: December 28, 1942.

[SEAL] DAN H. WHEELER, Director.

[F. R. Doc. 42-14100; Filed, December 29, 1942; 12:24 p. m.]

[Docket No. C-21]

CHICAGO RETORT AND FIRE BRICK CO.

NOTICE OF AND ORDER FOR HEARING

In the matter of the application of Chicago Retort and Fire Brick Company for exemption pursuant to section 4-A of the Bituminous Coal Act of 1937.

An application for a determination of the status of the coal produced at a mine of Chicago Retort and Fire Brick Company in LaSalle County, Illinois, District No. 10, having been filed by the abovenamed applicant pursuant to the second paragraph of section 4-A of the Bituminous Coal Act of 1937;

Now, therefore, it is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division he held on February 25, 1943, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section of the Division will advise as to the room where such hearing will be held.

It is further ordered, That Travis Williams or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said applicant and to all other parties herein and to all persons and entities having an interest in these proceedings and eligible to become a party herein. Any person or entity desiring to be admitted as a party to the proceedings herein and eligible under section VII (i) of the Rules of Practice and Procedure before the Bituminous Coal Division shall file a petition for intervention not later than fifteen (15) days after the date of the issuance of this notice of and order for hearing.

Notice is hereby given that:

(1) Within fifteen (15) days from the date of the issuance of this notice of and order for hearing, the applicant and other parties shall file with the Division a concise statement in writing of the

facts expected to be proved at the hearing. Other interested parties shall also file a written intervention in compliance with Rule VIII of the aforesaid Rules of Practice and Procedure. The statement of facts shall be considered as a pleading and not as evidence of the facts therein stated. The affirmative evidence adduced by the parties at the hearing shall be limited to the said statement of

(2) If no written statement of the facts expected to be proved at the hearing is filed by the applicant within the fifteen-day period, in the absence of extenuating circumstances, the application shall be deemed to have been withdrawn on the expiration of said period in accordance with the provisions of section VII (g) of the aforesaid Rules of

Practice and Procedure.

(3) If the applicant does not appear and offer evidence in support of its statement of facts, in the absence of extenuating circumstances, the application shall be deemed to have been withdrawn in accordance with the provisions of section VII (g) of the aforesaid Rules of Practice and Procedure.

(4) The burden of proof in this proceeding shall be on the applicant.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the application, other matters incidental and related thereto, which may be raised by amendment to the application, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this application.

The matter concerned herewith is in regard to the application of Chicago Retort and Fire Brick Company pursuant to the second paragraph of section 4-A of the Act for a determination of the status of the coal produced at a mine of the Chicago Retort and Fire Brick Company in LaSalle County, Illinois, in District No. 10. The said application alleges that such coal is exempt from section 4 of the Act because it is coal produced, transported and consumed by the applicant within the meaning of section 4 II (1) of the Bituminous Coal Act of 1937.

Dated: December 28, 1942.

[SEAL]

DAN H. WHEELER, Director.

[F. R. Doc. 42-14101; Filed, December 29, 1942; 12:24 p. m.]

[Docket No. C-24]

B. F. GOODRICH CO.

NOTICE OF AND ORDER FOR HEARING

In the matter of the application of the B. F. Goodrich Company for exemption pursuant to section 4-A of the Bituminous Coal Act of 1937.

An application for a determination of the status of the coal produced at certain mines of The B. F. Goodrich Company in Tuscarawas County, Ohio, District No. 4, having been filed by the above-named applicant pursuant to the second paragraph of section 4-A of the Bituminous Coal Act of 1937;

Now, therefore, it is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 28, 1943, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section of the Division will advise as to the room where such hearing will be held.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said applicant and to all other parties herein and to all persons and entities having an interest in these proceedings and eligible to become a party herein. Any person or entity desiring to be admitted as a party to the proceedings herein and eligible under section VII (i) of the Rules of Practice and Procedure Before the Bituminous Coal Division shall file a petition for intervention not later than fifteen (15) days after the date of the issuance of this notice of and order for hearing.

Notice is hereby given, That:

(1) Within fifteen (15) days from the date of the issuance of this notice of and order for hearing, the applicant and other parties shall file with the Division a concise statement in writing of the facts expected to be proved at the hearing. Other interested parties shall also file a written intervention in compliance with Rule VIII of the aforesaid Rules of Practice and Procedure. The statement of facts shall be considered as a pleading and not as evidence of the facts therein stated. The affirmative evidence adduced by the parties at the hearing shall be limited to the said statement of facts;

(2) If no written statement of the facts expected to be proved at the hearing is filed by the applicant within the fifteen day period, in the absence of extenuating circumstances the application shall be deemed to have been withdrawn on the expiration of said period in accordance with the provisions of section VII (g) of the aforesaid Rules and

Practice and Procedure.

(3) If the applicant does not appear and offer evidence in support of its statement of facts, in the absence of extenuating circumstances, the application shall be deemed to have been withdrawn in accordance with the provisions of section VII (g) of the aforesaid Rules of Practice and Procedure.

(4) The burden of proof in this proceeding shall be on the applicant.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the application, other matters incidental and related thereto, which may be raised by amendment to the application, petitions of intervention, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this application.

The matter concerned herewith is in regard to the application of The B. F. Goodrich Company pursuant to the second paragraph of section 4-A of the Act for a determination of the status of the coal produced at certain mines of said applicant in Tuscarawas County, Ohio, District No. 4. The applicant alleges that such coal is exempt from section 4 of the Act because it is coal produced, transported and consumed by the applicant within the meaning of section 4 II (1) of the Bituminous Coal Act of 1937.

Dated: December 28, 1942.

[SEAL]

DAN H. WHEELER. Director.

[F.R.Doc. 42-14102; Filed, December 29, 1942; 12:24 p. m.]

[Docket A-1744]

DISTRICT BOARD 11

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 11 for the establishment of price classifications and minimum prices for slurry produced at Mine Index Nos. 63, 101, 108 and 112 in District No. 11.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on February 2, 1943, at 10 o'clock in the forencon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be ad-

mitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 27, 1943.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 11 for the establishment of price classifications and minimum prices of zero cents per ton for the slurry produced at the New Hope and No. 6 Mines (Mine Index Nos. 63 and 101, respectively) of Linton-Summit Coal Company, Inc., and at the Friar Tuck No. 5 and Robin Hood No. 7 Mines (Mine Index Nos. 108 and 112, respectively) of Sherwood-Templeton Coal Company, Inc., code members in District No. 11, for sale, delivery or disposal to Antioch Power Company, or for the slurry coal or combustible matter reclaimed from said slurry by the Antioch Power Company and used by said Antioch Power Company in the production of electric energy.

Dated: December 28, 1942.

[SEAL]

DAN H. WHEELER, Director.

[F. R. Doc. 42-14138; Filed, December 30, 1942; 11:17 a. m.]

[Docket B-289] JOE ADDIS & SON

ORDER GRANTING PERMISSION TO WITHDRAW COMPLAINT

In the matter of Joe Addis and Phillip Addis, individually, and as co-partners, doing business under the name and style of Joe Addis & Son, code member.

A complaint in the above-entitled matter, dated July 8, 1942, having been duly filed on July 11, 1942, with the Bituminous Coal Division by the Bituminous Coal Producers Board for District No. 4, complainant, and the complainant having filed with the Division on December 8, 1942, a request to withdraw and dismiss said complaint without prejudice; and

The District Board for District No. 4 having on December 11, 1942, filed with the Division a new complaint dated December 7, 1942, against Joe Addis, Phillip Addis, and Lester Meeks, individually, and as co-partners doing business under the name and style of Joe Addis & Son; and

The Director deeming it advisable to grant said request;

Now, therefore, it is ordered, That the request to withdraw and dismiss com-

plaint herein be, and the same hereby is, granted without prejudice to said complaint dated December 7, 1942, filed by said Board against Joe Addis, Phillip Addis, and Lester Meeks, individually, and as co-partners doing business under the name and style of Joe Addis & Son.

Dated: December 29, 1942.

[SEAL] DAN H. WHEELER, Director.

[F. R. Doc. 42-14139; Filed, December 30, 1942; 11:17 a. m.]

J. B. BELL, ET AL.

APPLICATION FOR REGISTRATION AS DISTRIBUTOR

An application for registration as a distributor has been filed by each of the following and is under consideration by the Director:

Date application Name and address 📑 filed

J. B. Bell, Route 1, Delmar, Alabama __. __ Dec. 10, 1942 Corey-Scheffel Lumber Co., 1433

S. Preston St., Louisville, Ky__ Dec. 7, 1942 Keener Coal Corporation, Bo-

koshe, Okla_____Schuyler Rose, Inc., 513 E. Madi-Dec. 16, 1942 son St., South Bend, Ind____ Dec. 19, 1942 Werry Coal Company, Vineland,

Dec. 18, 1942

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before January 18, 1943. This information should be mailed or presented to the Bituminous Coal Division, Department of the Interior, Washington, D. C.

Dated: December 28, 1942.

[SEAL]

DAN H. WHEELER, Director.

[F. R. Doc. 42-14140; Filed, December 30, 1942; 11:18 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration.

HANDLING OF MILK IN BOSTON, MASS. MARKETING AREA

NOTICE OF REPORT, ETC.

Notice of report and opportunity to file written exceptions with respect to a proposed marketing agreement, as amended, and to Order No. 4, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area.

Pursuant to § 900.12 (a), General Regulations, as Amended, Agricultural Marketing Administration, United States Department of Agriculture, notice is hereby given of the filing with the hearing clerk of this report of the Administrator of the Agricultural Marketing Administration, with respect to an amended marketing agreement and to an amended marketing order regulating the handling of milk in the Greater Boston, Massachusetts, marketing area. Interested parties may file exceptions to this report with the Hearing Clerk, Room 1329, Department of Agriculture, Washington D C., not later than the close of business on the 10th day after publication of this notice in the FEDERAL REGISTER.

The proceeding was initiated by the Agricultural Marketing Administration as the result of written applications filed by several producers' cooperative associations, including Northern Farms Cooperative. Inc., and New England Milk Producers' Association, Inc., for a public hearing to receive evidence on several amendments they proposed. Other amendments were proposed by handlers and consumer interests after all interested parties had been notified by letter of the pending petition. It was concluded from consideration of the various proposed amendments that the hearing should be held and a notice of hearing was accordingly issued on September 17, 1942. The hearing was convened September 24, 1942, at Burlington, Vermont, and continued on September 28, 1942, at Boston, Massachusetts. The hearing included consideration of proposals for amendments made by the Dairy and Poultry Branch, Agricultural Marketing Administration.

The major issues developed at the hearing were concerned with (1) the classification of milk actually lost in handling operations (commonly known as shrinkage) and classification of buttermilk, (2) the level of prices for Class I milk both inside and outside the marketing area, (3) differentials to be allowed for cost of handling milk at country plants, (4) differentials to reflect cost of transporting milk to the market, (5) the Class II skim milk price level, and (6) the need for revision of the present plan of payments to cooperative associations from the equalization funds of the market-wide pool. In addition, several proposals of an administrative nature were also considered.

With respect to these issues, it is con-

cluded from the record:

(1) Actual plant shrinkage should be reclassified from the present arrangement, which requires shrinkage associated with the handling of each class of milk to be in the respective class, to an arrangement whereby all actual shrinkage up to 2 percent of the quantity of milk received by handlers shall be Class II milk and the Class I price level should be increased one cent per hundredweight to offset the effect of such reclassification on handlers' net cost for Class I milk.

(2) The Class II price for milk received at country plants should be revised to reflect transportation allowances by 50-mile zones in line with average rates from such zones reflected by the "New England Joint Tariff, M-3," and to reduce the amount now reflected as a plant handling allowance from 21.5 to 20.0 cents per hundredweight.

(3) The Class I transportation differentials should be revised to reflect the lower transportation cost now accomplished by use of railroad tank car shipments which prevails for the hauling of more than 50 percent of the milk that moves to market from country receiving plants located beyond a 40-mile radius from the State House in Boston.

(4) The Class II skim value should be revised to provide a value for skim milk based on prices published by the United States Department of Agriculture for roller process skim milk powder for both human consumption and animal feed. the yield factor and manufacturing cost factor to be as now provided in milk marketing Order No. 27 (New York metropolitan marketing area), except that for the flush production months of April, May, and June the skim value shall be based on an average of such skim powder prices and the price quotations for casein now provided in Order No. 4, as amended.

(5) The separate class for milk manufactured into butter should be revised to allow this class for the months of April, May, and June rather than May, June, and September, and the butterfat portion of the price formula should be revised to provide the average of the highest prices reported daily during the current months by the United States Department of Agriculture for 92-score butter at wholesale in the New York market, minus 5 cents, then plus 20 percent, with the result converted to the milk equivalent of 100 pounds of milk at 3.7 percent butterfat content.

(6) The present requirement that new producers receive the lowest class price for all their milk during the first 2 full months during which they deliver milk to the market should be removed.

(7) Handlers with plants located outside the marketing area and between 14 and 40 miles from the State House in Boston, who receive milk directly at such plants from producers' farms should be allowed to deduct 10 cents per hundredweight from the price of all such milk rather than from only that portion which is sold as Class I in the marketing area.

(8) Administrative amendments should be made to revise the definition of the term "Secretary" to include any person who may be authorized to exerercise the powers and to perform the duties of the Secretary, to amplify the powers of the market administrator to disseminate statistics and information concerning the operation of the order, to amplify the provision relating to the responsibility of handlers in establishing the classification of milk, to clarify the powers of the market administrator with respect to access to books and records necessary to verify reports of handlers. to change the reference to transportation rates from "New England Joint Tariff M-2, as amended," to "New England Joint Tariff M-3," to provide for increases in handler obligations to offset advantages gained from delinquency in paying accounts, to remove a proviso of the provision pertaining to expense of administration which has become inoperative, and to add a new section entitled "Agents," which will allow the Secretary by designation in writing to name any

officer or employee of the United States or any division of the United States Department of Agriculture to act as his agent in connection with this regulation.

From the evidence in the record it is concluded that the other proposals for amendments heard at the hearing should not be adopted. These include reclassification of buttermilk from Class I to Class II, permission for a cooperative association to purchase Class II milk including skim milk from handlers and sell such milk for Class II use to persons manufacturing milk products and to provide for pricing of Class I milk sold outside the marketing area at prevailing prices in such outside markets if such prices are different from the Boston price.

On revision of the Class I price level, revision of the plan of payments to cooperatives from the market-wide pool, and revision of receiving plant handling allowances on both Class I and Class II milk, the record has not yet been completely analyzed. The evidence indicates that these points in this order are interrelated. In the present war emergency, maintenance of an adequate level of milk production and conservation of manpower, gasoline, rubber, and strategic material needs to be accomplished by improving efficiency in the assembly and transportation of milk to market. Some revision of these points to increase returns to producers should be made as an aid to maintenance of productiton and accomplishment of more efficient use of existing handling and transportation-facilities, either through this order itself or in conjunction with other wartime conservation programs that may be developed. In order to avoid undue delay of other needed changes, recommendation of further revision of these two points is reserved until after a thorough examination of the evidence has been made.

The following proposed amended marketing order prepared by the Administrator pursuant to § 900.12 (a) of the General Regulations, as amended, Agricultural Marketing Administration, is recommended as the detailed means by which these conclusions may be carried out. The proposed amended marketing agreement is not included in this report because the provisions thereof will be the same as the provisions of the proposed amended marketing order.

Proposed Marketing Order, as Amended, Regulating the Handling of Milit in the Greater Boston, Massachusettu, Marketing Area¹

It is found upon the evidence introduced at the public hearing held at Burlington, Vermont, September 24 and 25, and at Boston, September 28 and 29, 1942:

Findings

1. That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk, as deter-

mined pursuant to section 2 and 8 (e) of said act, 50 Stat. 246; 7 U.S.C. 602, 608e, are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk, and that the minimum prices set forth in this order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

2. That the order, as amended by this amendment, regulates the handling of milk in the same manner as and is applicable only to handlers defined in a marketing agreement, as amended, upon which a hearing has been held; and

3. That the issuance of this amendment to the order, as amended, and all of the terms and conditions of the order, as so amended, tend to effectuate the declared policy of the act.

Provisions

§ 904.3 Definitions—(a) Terms. As used herein the following terms shall have the following meanings:

(1) The term "act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(2) The term "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture of the United States.

(3) The term "Greater Boston, Massachusetts, marketing area," hereinafter called the "marketing area," means the territory included within the boundary lines of the cities and towns of Arlington, Belmont, Beverly, Boston, Braintree, Brockline, Cambridge, Cheisea, Dadham, Everett, Lexington, Lynn, Malden, Marblehead, Medford, Melrose, Milton, Nahant, Neadham, Newton, Peabody, Quincy, Reading, Revere, Salem, Saugus, Somerville, Stoneham, Swampscott, Wakefield, Waltham, Watertown, Wellesley, Weymouth, Winchester, Winthrop, and Woburn, Massachusetts.

(4) The term "person" means any individual, partnership, corporation, assolation, or any other business unit.

(5) The term "producer" means any person who, in conformity with the health regulations which are applicable to milk which is sold for consumption as milk in the marketing area, produces milk and distributes or delivers to a handler, milk of his own production.

(6) The term "handler" means any person, irrespective of whether such person is a producer or an association of producers, wherever located or operating, who engages in such handling of milk, which is sold as milk or cream in the marketing area, as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects in-

¹Italicized words indicate changes from Order No. 4, as amended, effective August 1, 1941, and as further amended by Amendment No. 1, effective October 20, 1941, and Amendment No. 2, effective April 3, 1942.

terstate or foreign commerce in milk and its products.

(7) The term "producer-handler" means any handler who is also a producer and who receives no milk from other producers and who either:

(1) Has milk receipts from his own production which he does not dispose of in bulk and which average less than

1,000 pounds daily, or

(ii) Processes and packages his milk at a plant located on a farm from which he receives at least 25 percent of the total receipts from his own production which he does not dispose of in bulk.

(8) The term "market administrator" means the person designated pursuant to § 904.4 as the agency for the administra-

tion hereof.

- (9) The term "delivery period" means the current marketing period from the effective date hereof to and including the last day of that month. Subsequent to that month "delivery period" means the current marketing period from the first to and including the last day of each month.
- § 904.4 Market administrator—(a) Selection, removal, and bond. The market administrator shall be selected by the Secretary and shall be subject to removal by him at any time. The market administrator shall, within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(b) Compensation. The market administrator shall be entitled to such reasonable compensation as may be deter-

mined by the Secretary.

(c) Powers. The market administrator shall have power:

(1) To administer the terms and provisions hereof:

(2) To receive, investigate, and report to the Secretary complaints of violations of the terms and provisions hereof: and

(3) To prepare and disseminate for the benefit of producers, consumers, and handlers such statistics and information concerning the operation of this order as do not reveal confidential information.

(d) Duties. The market administrator, in addition to the duties hereinafter described, shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein;

(2) Submit his books and records to examination by the Secretary at any and all times:

(3) Furnish such information and such verified reports as the Secretary may request;

(4) Obtain a bond with reasonable security thereon covering each employee who handles funds entrusted to the market administrator;

(5) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 15 days after the date upon which he is required to perform such acts, has not (1) made reports pursuant

to § 904.7 or (ii) made payments pursuant to § 904.10;

(6) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof; and

(7) Pay, out of the funds provided by § 904.12, (i) the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, (ii) his own compensation, and (iii) all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties.

(e) Responsibility. The market administrator, in his capacity as such, shall not be held responsible in any way whatsoever to any handler, or to any other person, for errors in judgment, for mistakes, or for other acts either of commission or omission, except for his own willful misfeasance, malfeasance, or disponestry

§ 904.5 Classification of milk—(a) Basis of classification. All milk received by a handler from producers or from his own production shall be classified in the classes set forth in (b) of this section in accordance with its utilization by him: Provided, That, subject to (c) of this section, if milk, including skim milk, is moved to the plant of another person who distributes milk or manufactures milk products, classification of such milk may be in accordance with its utilization by such second person. Any utilization of milk claimed by a handler shall be subject to verification by the market administrator.

(b) Classes of utilization. The classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk the utilization of which is not established as Class II milk.

(2) Class II milk shall be all milk the utilization of which is established:

(i) As being sold, distributed, or disposed of other than as or in milk which contains one-half of 1 percent or more but less than 16 percent of butterfat; and other than as or in chocolate or flavored whole or skim milk, buttermilk, or cultured skim milk, for human consumption; and

(ii) As plant shrinkage not in excess of 2 percent of the volume handled.

(c) Disposition of milk to other markets. (1) Milk received by a handler at one of his plants not subject to the provisions hereof from persons reported by him as under contract to have their milk received and paid for as part of his supply for the marketing area shall be considered as received from producers and classified as Class I milk.

(2) Milk or skim milk disposed of by a handler to any plant not subject to the provisions hereof shall be classified as Class I milk, not to exceed the total quantity of Class I milk or skim milk at such plant.

(d) Responsibility of handlers in establishing the classification of milk. In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives milk from producers to account

for the milk and to prove that such milk should not be classified as Class I milk.

§ 904.6 Minimum class prices—(a) Class I prices. Each handler shall pay producers, in the manner set forth in § 904.10, for Class I milk delivered by them, not less than the following prices:

(1) For milk delivered from producers' farms to such handler's plant located not more than 40 miles from the State House in Boston, the price per hundredweight during each delivery period shall be as set forth in the table in this subparagraph.

92-score butter, wholesale, at New York, average of quotations of the United States Department of Agriculture for 30 days immediately preceding the 25th day of each month.

Cents per pound

Under 40.

3.61

3.67

(2) For milk delivered from producers' farms to such handler's plant located more than 40 miles from the State House in Boston, the price per hundredweight during each delivery period shall be the price effective pursuant to (1) of this paragraph minus the amount set forth in (c) of this section for the railroad freight mileage zone for the distance from the railroad shipping point for such handler's plant to such handler's railroad delivery point in the marketing area, or, if the handler has no plant in the marketing area, for the distance to Boston.

(3) For the purpose of this paragraph. the milk which was sold or distributed during each delivery period by each handler as Class I milk shall be considered to have been first, that milk which was received from producers' farms at such handler's plant located not more than 40 miles from the State House in Boston; then, that milk which was received pursuant to § 904.8 (b) at such handler's plant located not more than 40 miles from the State House in Boston; and then, that milk which was shipped from the nearest plant located more that 40 miles from the State House in Boston, including milk received at such plant pursuant to § 904.8 (b).

(b) Class II prices. Each handler shall pay producers, in the manner set forth in § 904.10, for Class II milk delivered by them not less than the following

prices per hundredweight:

(1) In the case of milk delivered to a handler's plant located not more than 40 miles from the State House in Boston, the price calculated pursuant to (2) of this paragraph for the 201-250 freight mileage zone plus 29 cents.

(2) Except as provided in (3) of this paragraph, in the case of milk delivered to a handler's plant located more than 40 miles from the State House in Boston, a price which the market administrator shall calculate by combining in one sum such of the following computations as apply:

(i) Divide by 33.48 the weighted average price per 40-quart can of 40 percent

bottling quality cream in the Boston market, as reported by the United States Department of Agriculture for the delivery period during which such milk is delivered, multiply this result by 3.7 and subtract the amount set forth in (c) of this section for the railroad freight mileage zone of the distance from the railroad shipping point for such handler's plant to Boston;

(ii) For any delivery period for which no cream price as described in (i) of this subparagraph is reported, multiply the average price reported for such delivery period by the United States Department of Agriculture for 92-score butter at wholesale in the Chicago market by 1.4; multiply this result by 3.7; and subtract the amount set forth in (c) of this section for the railroad freight mileage zone of the distance from the railroad shipping point for such handler's plant to Boston:

(iii) For all delivery periods, except April, May, and June, compute any plus amount for skim value which results from the following: from the average of all the dry skim milk powder quotations for carlots for "human food products (roller process) in barrels" and for "animal feed products (hot roller) in bags" (using midpoint of any range as one quotation) published during such delivery period by the United States Department of Agriculture for New York City. subtract 4 cents; and multiply this result by 7.5: and

(iv) For the April, May, and June delivery periods, compute any plus amount for skim value which results from the average of the skim value computed pursuant to (iii) of this subparagraph and a value obtained as follows: compute the average of all quotations (using midpoint of any range as one quotation) published during the delivery period in the "Oil, Paint, and Drug Reporter," for domestic 20-30 mesh casein in bags in carlots at New York, subtract 6.6 cents and multiply this result by 2.2; except that if either computation results in a minus amount, the other shall be used in lieu of the average.

(3) In the case-of milk, other than route returns, made into butter during the delivery periods from April to September, inclusive, of each year, at a handler's own plant located more than 40 miles from the State House in Boston, the minimum price shall be computed by the market administrator as follows: from the average price reported for such delivery period by the United States Department of Agriculture for 92-score butter at wholesale in the New York market deduct 5 cents, add 20 percent, and multiply by 3.7: Provided, That any plus amount shall be added which results

of this paragraph. (c) Combined plant handling and transportation differentials. Differentials provided pursuant to (a) and (b) of this section and pursuant to § 904.10 (e) shall be as set forth in the following table: Provided, that in case the rail tariff for the transportation of milk in carlots in tank cars, as published in the New England Joint Tariff, M-3, is in-

from the skim value as computed in (2)

creased or decreased, the differentials set forth in Column B shall be adjusted correspondingly to the nearest one-half cent per hundredweight of such change, effective the first complete delivery period in which such change applies.

A Freight zone (miles)	Class I (conts per cut.)	Chain (control cut.)
41-79		######################################
231-220 231-220 231-220 231-220 201-220 271-230 281-234 291-200	ረዓ.0 ረዓ.0 47.0 47.5 43.0 4ዓ.0	71.0 71.0 71.0 71.0 71.0 71.0

(d) Announcement of Class II Prices. On or before the 5th day after the end of each delivery period, the market administrator shall publicly announce the Class II prices in effect for such delivery period.

§ 904.7 Reports of handlers—(a) Periodic reports. On or before the 8th day after the end of each delivery period each handler who receives milk from producers shall, with respect to milk or cream which was received by such handler during such delivery period, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(1) The receipts at each plant from producers, including the quantity, if any, received from his own production.

(2) The receipts at each plant from any other handler, including any handler who is also a producer.

(3) Receipts at each plant pursuant to § 904.8 (b).

(4) The respective quantities which were sold, distributed, or used, including sales to other handlers, classified pursuant to § 904.5.

(b) Reports of handlers who receive no milk from producers. Handlers who receive no milk from producers shall make reports to the market administrator at such time and in such manner as the market administrator may require.

(c) Reports as to producers. Each handler shall report to the market administrator:

(1) Within 10 days after the market administrator's request, with respect to any producer for whom such information is not in the market administrator's files, and with respect to a period or periods of time designated by the market administrator: (i) the name, post office address, and farm location, (ii) the total pounds of mill: delivered, (iii)

the average butterfat test of milk delivered, and (iv) the number of days upon which the deliveries were made;

(2) Within 10 days after any producer begins or resumes milk deliveries: (i) the name, post office address, and farm location of such producer, (ii) the date upon which such producer began or resumed milk deliveries, (iii) the plant at which such producer delivered milk, and (iv) the plant, if known, at which such producer delivered milk immediately prior to the beginning of delivery to such handler;

(3) Within 5 days after any producer has failed to make deliveries for 5 consecutive days: (i) the name, post office address, and farm location of such producer, (ii) the date upon which milk was last received, (iii) the plant at which such producer delivered milk, and (iv) the reason, if known, for such failure to

deliver;

(4) Within 10 days after any producer moves from one farm to another: (i) the name, post office address, and location of the respective farms operated by such producer, and (ii) the date upon which mill: was first received from the new location; and

(5) On or before the 8th day after the end of each delivery period each handler shall report the names of any persons whose milk he is reporting pursuant to §§ 904.5 (c) and 904.8 (b) and include a certification that these persons have

contracts as specified therein.

(d) Reports of payments to producers. Each handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the delivery period, his producer pay roll for such delivery peried, which shall show for each producer: (i) the daily and total pounds of milk delivered with the average butterfat test thereof and (ii) the net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

(e) Outside cream purchases. Each handler shall report, as requested by the market administrator, his purchases, if any, of bottling quality cream from handlers who receive no milk from producers, showing the quantity and the source of each such purchase and the

cost thereof at Boston.

(f) Verification of reports. For the purpose of ascertaining the correctness of any report made to the market administrator as required by this order or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(1) Examine such books, papers, records, copies of income tax reports, accounts, correspondence, contracts, documents, and memoranda as the market administrator deems relevant and which are within the control (i) of any such handler from whom such report was requested, (ii) of any person having, either directly or indirectly, actual or legal control of or over such handler, or (iii) of any subsidiary of any such handler:

(2) Weigh, sample, and test milk and milk products; and

(3) Make such examination of operations, equipment, and facilities as the market administrator deems necessary.

§ 904.8 Application of provisions—(a) Handlers who receive no milk from producers. The provisions hereof, except as set forth in § 904.7, shall not apply to a producer-handler nor to a handler whose sole source of milk supply consists of receipts from other handlers.

(b) Producers for other markets. Milk received from producers, who are reported by a handler as under contract to have their milk received and paid for as part of that handler's supply for a market other than the marketing area, shall be reported under a separate category, and the provisions of § 904.10 and § 904.11 shall not apply except that such handler shall make payment as provided in § 904.10 (h).

(c) Milk received from producerhandlers. Milk of a producer-handler's own production which is delivered in bulk to another handler shall be considered as being delivered by a producer unless the receiving handler is also a

producer-handler.

- (d) Handlers with less than 10 percent of total receipts as Class I in the marketing area. In the case of a handler, other than a cooperative association qualified pursuant to § 904.11 (a), who sells or distributes as Class I milk in the marketing area less than 10 per-cent of his total receipts of milk, the provisions hereof shall not apply except as follows:
- (1) The handler shall, with respect to his total receipts and utilization of milk, make reports to the market administrator at such time and in such manner as the market administrator may require, and allow verification of such reports by the market administrator.

(2) The handler shall, with respect to that quantity of milk received from producers and actually sold or distributed as Class I milk in the marketing area, make payments as provided for in §§ 904.10 (g) and 904.12.

(e) Milk subject to the New York order. The provisions hereof shall not apply to the handling of milk received at any handler's plant which is subject to the provisions of the order regulating the handling of milk in the New York metropolitan marketing area (Order No. 27) issued by the Secretary effective as of September 1, 1938, as amended, or of any order superseding or amending such orders.

§ 904.9 Minimum blended prices to producers—(a) Computation of value of milk for each handler. For each delivery period the market administrator shall compute, subject to the provisions of § 904.8, the value of milk sold, distributed, or used by each handler, exclusive of milk received from other handlers, or pursuant to § 904.8 (b), in the following manner:

(1) Multiply the quantity of milk in each class by the price applicable pursuant to (a) and (b) of § 904.6; and

(2) Add together the resulting value of each class.

(b) Computation of the basic blended price. The market administrator shall compute the basic blended price per hundredweight of milk delivered during each delivery period in the following manner:

(1) Combine into one total the respective values of milk, computed pursuant to paragraph (a) of this section, for each handler from whom the market administrator has received at his office. prior to the 11th day after the end of such delivery period, the report for such delivery period and the payments required pursuant to (b) (2), (g), and (h) of § 904.10 for milk received during each delivery period since the effective date of the most recent amendment hereof:

(2) Add the total amount of payments required from handlers pursuant to (g)

and (h) of § 904.10;

(3) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the delivery period from payments made to the market administrator by handlers pursuant to § 904.10:

(4) Add the total net amount of the differentials applicable pursuant to

§ 904.10 (e);

(5) Divide by the total quantity of milk which is included in these computations, except the quantity of milk included in the computation pursuant to § 904.10 (g) and the quantity of milk received pursuant to § 904.8 (b);

(6) Subtract not less than 5½ cents hor more than 61/2 cents for the purpose of retaining a cash balance in connection with the payments and reserves set forth in §§ 904.10 and 904.11. This result shall be known as the basic blended price for milk containing 3.7 percent butterfat.

(c) Announcement of prices. On the 12th day after the end of each delivery period the market administrator shall mail to all handlers who received milk from producers and shall publicly announce:

(1) Such of these computations as do not disclose information confidential pursuant to the act:

(2) The zone blended prices per hundredweight resulting from adjustment of the basic blended price by the differentials pursuant to (e) of § 904.10; and

(3) The names of the handlers who received milk from producers, designating those whose milk is not included in the computations.

§ 904.10 Payments for milk—(a) Advance payments. On or before the 10th day after the end of each delivery period, each handler shall make payment to producers for the approximate value of milk received during the first 15 days of such delivery period. In no event shall such advance payment be at a rate less than the Class II price for such delivery period.

(b) Final payments. On or before the 25th day after the end of each delivery period, each handler shall make payment for the total value of milk received during such delivery period as required to be computed pursuant to § 904.9 (a), as follows:

(1) To each producer at not less than the basic blended price per hundredweight, subject to the differentials set forth in (d) and (e) of this section, for the quantity of milk delivered by such producer;

(2) To producers, through the market administrator, by paying to, on or before the 23d day after the end of each delivery period, or receiving from the market administrator, on or before the 25th day after the end of each delivery period, as the case may be, the amount by which the payments required to be made pursuant to (1) of this paragraph are less than or exceed the value of milk as required to be computed for such handler pursuant to § 904.9 (a), as shown in a statement rendered by the market administrator on or before the 20th day after the end of

such delivery period.

(c) Adjustments of errors in payments. Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments pursuant to (b) (2) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 15 days. make such payment to such handler. Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of a less amount than is required by this section, the handler shall make up such payment to the producer not later than the time of making final payment for the period in which such error is disclosed.

(d) Butterfat differential. Each handler shall, in making the payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent an amount per hundredweight which shall be calculated by the market administrator as follows: divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream in the Boston market, as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the delivery period during which such milk is delivered, subtract 1.5 cents and divide the result by 10: Provided, That if no such cream price is reported, multiply the average price reported for such period by the United States Department of Agriculture for 92-score butter at wholesale in the Chicago market by 1.4, subtract 1.5 cents, and divide the result by 10.

(e) Location differentials. The payments to be made to producers by handlers pursuant to (b) (1) of this section. shall be subject to differentials as follows:

(1) With respect to milk delivered by a producer to a handler's plant located more than 40 miles from the State House in Boston, there shall be deducted, per hundredweight, 13 cents less than the amount set forth in Column B of the table in (c) of § 904.6 for the railroad freight mileage zone for the distance from the railroad shipping point from such handler's plant to Boston.

(2) With respect to milk delivered by a producer to a handler's plant located not more than 40 miles from the State House in Boston there shall be added 13 cents

per hundredweight.

(3) With respect to milk delivered by a producer whose farm is located more than 40 miles but not more than 80 miles from the State House in Boston, there shall be added 23 cents per hundredweight, unless such addition gives a result greater than the highest Class I price in effect pursuant to (1) of § 904.6 (a), in which event there shall be added an amount which will give as a result such price.

(4) With respect to milk delivered by a producer whose farm is located not more than 40 miles from the State House in Boston or whose farm is located in Barnstable or Plymouth Counties, Massachusetts, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the highest Class I price in effect pursuant to (1) of § 904.6 (a), in which event there shall be added an amount which will give as a result such price.

(f) Other differentials. In making the payments to producers set forth in (b) (1) of this section, handlers may

make deductions as follows:

(1) With respect to milk delivered by producers to a plant which is located outside the marketing area and more than 14 miles but not more than 40 miles from the State House in Boston, 10 cents

per hundredweight; and

- (2) With respect to milk delivered by producers to a plant located more than 40 miles from the State House in Boston, at which plant the average daily receipts of milk from producers are: (i) Less than 17,000 but greater than 8,500 pounds, 4 cents per hundredweight and (ii) 8,500 pounds or less, 8 cents per hundredweight.
- (g) Payments by handlers with less than 10 percent of total receipts as Class I in the marketing area. Handlers subject to § 904.8 (d) shall pay to producers through the market administrator, on or before the 23d day after the end of the delivery period, the value determined by multiplying the quantity of Class I milk disposed of in the marketing area by the difference between the prices applicable pursuant to § 904.6 (a) and the prices applicable pursuant to (1) and (2) of § 904.6 (b).
- (h) Payments for milk received from producers for other markets. On or before the 23d day after the end of each delivery period, handlers who received milk pursuant to § 904.8 (b) shall pay to producers through the market administrator the value determined by multiplying the quantities of such milk in each class by the prices applicable pursuant to § 904.6 and subtracting the value of such milk at the Class II prices in effect for the plants at which such milk is received.

(i) Adjustment of overdue accounts. Any balance due pursuant to this section to or from the market administrator on the 10th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased onehalf of 1 percent, effective the 11th day of such month.

(j) Statements to producers. In making the payments to producers prescribed by (b) (1) of this section, each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The delivery period and the identity of the handler and of the producer:

(2) The total pounds and average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of (b), (d), and (e), of this section;

(4) The rate which is used in making the payment, if such rate is other than

the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under (f) of this section and § 904.11 together with a description of the respective deductions: and

(6) The net amount of payment to the producer.

§ 904.11 Payments to cooperative associations-(a) Eligibility of cooperative associations. Upon application to the Secretary, any cooperative association duly organized under the laws of any State which he determines, after appropriate inquiry or investigation, to be conforming to the provisions of such laws and of the Capper-Volstead Act, as amended, as to character of organization, voting requirements, dividend payments, dealing in products of nonmembers; to be operating as a responsible producer-controlled marketing association exercising full authority in the sale of the milk of its members; to be systematically checking the weights and tests of milk delivered by its members to plants other than those which may be operated by itself; to guarantee payments to its producers; to be maintaining, either individually or in collaboration with other qualified cooperative associations, a competent staff for dealing with marketing problems and providing information to its members with whom close working relationships are constantly maintained; to be collaborating with other similar associations in activities incident to the maintenance and strengthening of collective bargaining by producers and the operation of a plan of uniform pricing of milk to handlers; and to be complying with all provisions of this order applicable to such cooperative association shall be entitled to receive payments in the amount and under the conditions herein specified from the date of qualification, as fixed by the Secretary, until it has been found by the Secretary, after notice and opportunity for a hearing, that it has failed to continue to meet any condition or to maintain and exercise the authority or to perform any of the functions required by this section for the receipt or use of such payments. Any such cooperative association shall be eligible for payment, as follows:

- (1) At not more than the rate of 1.5 cents per hundredweight of milk marketed by it on behalf of producers in conformity with the provision of this order, the value of which is determined pursuant to § 904.9 (a), and with respect to which a handler has made payments as required by \$\$ 904.10 (b) (2) and 904.12: Provided, That the amount paid with respect to milk received at a plant not operated by the cooperative association shall not exceed the amount which handlers are obligated to deduct from payments to members pursuant to (g) of this section. Such monies paid to such a cooperative association are not to be used in paying patronage dividends or other payments to members with respect to milk delivered except in fulfilling the guarantee of payments to producers. In cases where two or more of such cooperative associations participate in the marketing of the same milk, payment under this paragraph shall be available only to the association which the individual producer has made his exclusive agent in the marketing of such milk.
- (2) At the rate of 5 cents per hundredweight as provided in (b) of this section on milk received from producers at a plant operated under the exclusive control of member producers or member associations for which it accounts to the market administrator pursuant to § 904.10 (b) (2) and which is sold as Class I to proprietary handlers except stores, handlers in which the cooperative or any of its members or affiliated assoclations or any other qualified association has any ownership or control, or a handler with which the cooperative has such sales arrangements that its milk not sold as Class I milk to such handler is not available for sale as Class I milk to other handlers.

(b) Computation of amount of payment at 5 cents per hundredweight. The amount due a cooperative association for each delivery period pursuant to (a) (2) of this section shall be computed by the market administrator as follows:

(1) Determine the quantity of Class I milk which it sold to proprietary han-

(2) Subtract the quantity of such milk which is not eligible for payment under the provisions of (a) (2) of this section;

- (3) Subtract the quantity of milk receired by the association other than milk received from producers at plants operated under the exclusive control of member producers or member associations; and
- (4) Multiply by 5 cents per hundredweight.
- (c) Payment to qualified cooperative associations. The market administrator shall, upon notice of the filing of an application, set aside each pay period from the cash balance created pursuant to § 904.9 (b) (6) such sum as he estimates is ample to make payments to the applicant and hold it in reserve until the Sec-

retary has ruled upon said application and shall, upon claim, in form as prescribed by him, received at his office not later than the 10th day of the second month subsequent to the delivery period to which the claim applies or in which the Secretary's ruling is made, make payment for which a cooperative association is eligible pursuant to (a) of this section or issue credit therefor out of the said cash balance subject to verification of the receipts and other items on which the amount of such payment is based.

(c) Reports. Each cooperative association qualified to receive payments pursuant to this section shall, from time to time, as requested by the market administrator, make reports to him with respect to the use of such payments and the performance of any service or function set forth as the basis for such payment and shall file with him a copy of its balance sheet and operating statement at

the close of each fiscal year.

(f) Suspension. The market administrator shall suspend payments upon request by the Secretary or such officer of the Department of Agriculture as he may designate by giving written notice to such association whenever there is reason to believe that a beneficiary of such payments is no longer qualified. Such suspended payments shall be segregated and held in reserve until the Secretary has, after notice and opportunity for a hearing, ruled upon the performance of the cooperative and either ordered the suspended payment to be paid to it in whole or in part or has disqualified such cooperative, in which event the balance of payments held in reserve shall be added to the cash balance, created pursuant to § 904.9 (b) (6).
(g) Authorized member deductions.

In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members and which is qualified to receive payments pursuant to this section, each handler shall make such deductions from the payments to be made to such producers pursuant to § 904.10 as may be authorized by such producers and, on or before the 25th day after the end of each delivery period, pay over such deductions to the association in whose favor such author-

izations were made.

§ 904.12 Expense of administration— (a) Payment by handlers. As his prorata share of the expense of the administration hereof, each handler, except as set forth in § 904.8 (a), shall on or before the 23d day after the end of each delivery period, pay to the market administrator a sum not exceeding 2.5 cents per hundredweight with respect to all milk received by him during such delivery period from producers and from his own production, the exact sum to be determined by the market administrator subject to review by the Secretary.

(b) Suits by market administrator. The market administrator may-maintain a suit in his own name against any handler for the collection of such handler's prorata share of expense set forth in this

section.

§ 904.13 Effective time, suspension, or termination—(a) Effective time. The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to paragraph (b) of this section.

(b) Suspension or termination. The Secretary may suspend or terminate this order or any provision hereof whenever he finds that this order or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) Continuing power and duty of the market administrator. If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: Provided, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(1) The market administrator, or such other person as the Secretary may designate, shall (i) continue in such capacity until removed by the Secretary, (ii) from time to time account for all receipts and disbursements, and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator or such person. to such person as the Secretary shall direct, and (iii) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds. property, and claims vested in the market administrator or such person pursuant thereto.

(d) Liquidation after suspension or termination. Upon the suspension or termination of any or all provisions hereof the market administrator, or such person as the Secretary may designate. shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 904.14 Agents. (a) The Secretary may, by designation in writing, name any officer or employee of the United States. or name any bureau or division of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions

This report filed at Washington, D. C., the 28th day of December 1942.

[SEAL] C. W. KITCHEN. Acting Administrator.

[F. R. Doc. 42-14099; Filed, December 29, 1942; 11:59 a. m.]

Office of the Secretary.

MARTIN COUNTY AND WHITE RIVER LAND Utilization Projects, Indiana

TRANSFER OF LANDS FROM THE SOIL CONSER-VATION SERVICE TO THE FOREST SERVICE

By virtue of and pursuant to the authority vested in me by Title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522, 525). and Executive Order No. 7908, dated June 9, 1938, all lands and all improvements thereon in Greene and Martin Counties, Indiana, that are parts of the Martin County and White River Land Utilization Projects which have been acquired or are in process of acquisition by the United States under the provisions of the Emergency Relief Appropriation Act. approved April 8, 1935 (49 Stat. 115), and Title III of the said Bankhead-Jones Farm Tenant Act, exclusive of those transferred by Executive Orders No. 8910 of September 27, 1941 (6 F.R. 4963), No. 9160 of May 11, 1942 (7 F.R. 3541), and No. 9273 of November 18, 1942 (7 F.R. 9629), to the jurisdiction of the Secretary of the Navy, are hereby transferred from the Soil Conservation Service to the Forest Service for administration, protection and management.

[SEAL]

GROVER B. HILL, Assistant Secretary.

DECEMBER 29, 1942.

[F. R. Doc. 42-14150; Filed, December 30, 1942; 11:19 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F. R. 3591).

Single Pants, Shirts and Allied Garments. Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lincd Garments Divisions of the Apparel Industry,

¹3 F.R. 1389.

Learner Regulations, July 20, 1942 (7 F. R.

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F. R. 4203).
Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F. R. 3748).

Hosiery Learner Regulations, September 4,

1940 (5 F.R. 3530). Independent Telephone Learner Regulations, September 27, 1940 (5 F. R. 3829).

Knitted Wear Learner Regulations, October

Millinery Learner Regulations, October 10, 1940 (5 F. R. 3982).
Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F. R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F. R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F. R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F. R. 3753).

The employment of learners under these certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These certificates become effective December 31, 1942. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PROD-UCT, NUMBER OF LEARNERS AND EXPIRATION

Apparel Industry

H. Daroff & Sons, Inc., 2320 Walnut Street, Philadelphia, Pennsylvania; Men's Clothing; 5 percent (T); December 31, 1943.

A. Di Paola & Co., 211 So. 5th Street, Camden, New Jersey; Hand Felling & Buttonhole makers of Men's Coats (Sackcoats & Overcoats); 5 percent (T); December 31, 1943.

Grass Grossinger Company, 312 Penn Avenue, Scranton, Pennsylvania; Caps; 2 learners (T); December 31, 1943.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

The Brunner Company, 632 St. Clair Ave., N. W. Cleveland, Ohio; Ladies' Dresses, Blouses and Housecoats; 10 percent (T); December 31, 1943.

Chester Manufacturing Co., Chatham, New York; Women's Dresses; 5 learners (E): June 30, 1943.

L. D. Fellman, Harleysville, Pennsylvania: Men's Pants; 5 learners (T); December 31, 1943.

Sherrod Shirt Company, 1632-34 N. Main St., High Point, N. C.; Work Shirts, Pajamas; 10 percent (T); December 31, 1943.

Hosiery Industry

Richmond Hosiery Mills, West Gordon Ave., Rossville, Georgia; Seamless & Fullfashioned Hosiery; 5 percent (T); December 31, 1943.

Rollins Hosiery Mills, Inc., East 28th Street & Dean Avenue, Des Moines, Iowa; Full-fashionery Hoslery; 5 percent (T); December 31, 1943.

Knitted Wear Industry

Midvale Knitting Mill, 554 Ringwood Ave., Midvale, New Jersey; Knitted Outerwear; 2 learners (T); December 31, 1943.

Queen Knitting Mills, 2647 N. Howard Street, Philadelphia, Pennsylvania; Knitted Outerwear; 5 learners (T); D2cember 31, 1943.

Independent Telephone Industry

Hoopeston Telephone Company, 401 Willdon Building, Hoopeston, Illinois; To employ learners as commercial switchboard operators at its Hoopeston exchange, located at Hoopeston, Illinois until December 31, 1943.

The Lincoln Telephone & Telegraph Company, 1342 M Street, Lincoln, Nebraska; To employ learners as commercial switchboard operators at its Hastings exchange, located at Hastings, Nebraska; until December 31, 1943.

The Lincoln Telephone & Telegraph Company, 1342 M Street, Lincoln, Nebraska; To employ learners as commercial switchboard operators at its Hebron exchange, located at Hebron, Nebraska,

until December 31, 1943. The Lincoln Telephone & Telegraph Company, 1342 M Street, Lincoln, Nebraska; To employ learners as commercial switchboard operators at its Humboldt exchange, located at Humboldt, Nebraska until December 31, 1943.

The Lincoln Telephone & Telegraph Company, Lincoln, Nebraska; To employ learners as commercial switchboard operators at its Lincoln exchange, located at Lincoln, Nebraska until December 31, 1943.

The Lincoln Telephone & Telegraph Company, Lincoln, Nebraska; To employ learners as commercial switchboard operators at its Nebraska City exchange, located at Nebraska City, Nebraska until December 31, 1943.

The Lincoln Telephone & Telegraph Company, Lincoln, Nebraska; To employ learners as commercial switchboard operators at its Plattsmouth exchange, located at Plattsmouth, Nebraska until December 31, 1943.

The Lincoln Telephone & Telegraph Company, Lincoln, Nebraska; To employ learners as commercial switchboard operators at its Seward exchange, located at Seward, Nebraska until December 31, 1943. *

The Lincoln Telephone & Telegraph Company, Lincoln, Nebraska; To employ learners as commercial switchboard operators at its Superior exchange, located at Superior, Nebraska until December 31, 1943.

The Lincoln Telephone & Telegraph Company, Lincoln, Nebraska; To employ learners as commercial switchboard operators at its Tecumseh exchange, located at Tecumseh, Nebraska until December 31, 1943.

The Lincoln Telephone & Telegraph Company, Lincoln, Nebraska; To employ learners as commercial switchboard operators at its Wahoo exchange, located at Wahoo, Nebraska until December 31, 1943.

The Lincoln Telephone & Telegraph Company, Lincoln, Nebraska; To employ learners as commercial switchboard operators at its Wymore exchange, located at Wymore, Nebraska until December 31,

The Lincoln Telephone & Telegraph Company, Lincoln, Nebraska; To employ learners as commercial switchboard operators at its York exchange, located at York, Nebraska until December 31, 1943.

The Lincoln Telephone & Telegraph Company, Lincoln, Nebraska; To employ learners as commercial switchboard operators at its Beatrice exchange, located at Beatrice. Nebraska until December 31. 1943.

The Lincoln Telephone & Telegraph Company, 1342 M Street, Lincoln, Nebraska; To employ learners as commercial switchboard operators at its Auburn exchange, located at Auburn, Nebraska until December 31, 1943.

The Lincoln Telephone & Telegraph Company, 1342 M Street, Lincoln Nebraska; To employ learners as commercial switchboard operators at its Ashland exchange, located at Ashland, Nebraska until December 31, 1943. The Lincoln Telephone & Telegraph

Company, 1342 M Street, Lincoln, Nebraska; To employ learners as commercial switchboard operators at its Geneva exchange, located at Geneva, Nebraska

until December 31, 1943.

The Lincoln Telephone & Telegraph
Company, 1342 M Street, Lincoln, Nebraska; To employ learners as commercial switchboard operators at its Fairbury exchange, located at Fairbury, Nebraska until December 31, 1943.

The Lincoln Telephone & Telegraph Company, 1342 M Street, Lincoln, Nebraska; to employ learners as commercial switchboard operators at its David City exchange, located at David City, Nebraska until December 31, 1943.

Montezuma Mutual Telephone Company, Montezuma, Iowa; To employ learners as commercial switchboard operators at its Montezuma exchange, located at Montezuma, Iowa until December 31, 1943.

The Star Telephone Company, 128 Church Street, Ashland, Ohio; To employ learners as commercial switchboard operators at its Ashland exchange, located at Ashland, Ohio until December 31, 1943.

Apparel Industry

Charlotte Garment Company, 1215 S. Caldwell St., Charlotte, North Carolina; Cotton pants; 10 percent (T); December 31, 1943.

Randolph Underwear Co., Inc., Randleman, North Carolina; Ladies' slips of woven fabrics; 24 learners (E); June 30, 1943.

Knitted Wear Industry

Roper Knitting Company, Inc., 343 North Main Street, Canandaigua, New York; Knitted Outerwear; 5 learners (T); December 31, 1943.

Millinery Industry

Frank M. Borel Co., 251 Post St., San Francisco, California; Ladies' hats; 2 learners (T); December 31, 1943.

Signed at New York, N. Y., this 29th day of December 1942.

> MERLE D. VINCENT. Authorized Representative of the Administrator.

[F. R. Doc. 42-14126; Filed, December 30, 1942; 9:44 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO THE GLUCKIN CORP.

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the regulations issued thereunder (August 16, 1940. 5 F.R. 2862) to the employers listed below effective December 31, 1942.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the Regulations and as indicated on the certificate. Any person aggrieved by the issuance of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION

The Gluckin Corporation, 53 Orange Avenue, Suffern, New York; Mattress covers, mosquito bars; 32 learners; machine operating; 480 hours; 25 or 32½ cents per hour; June 30, 1943. Signed at New York, N. Y., this 29th

day of December 1942.

MERLE D. VINCENT, Authorized Representative, of the Administrator.

(F. R. Doc. 42-14127; Filed, December 30, 1942; 9:44 a. m.]

OFFICE OF DEFENSE TRANSPORTA-TION.

[General Assignment Order ODT 7. Revised-1]

ASSIGNMENT OF TANK CARS IN EASTERN SERVICE

Pursuant to the provisions of § 502.103 of General Order ODT 7, Revised, It is hereby ordered, That:

1. All tank cars which are used in eastern petroleum service on and after December 29, 1942, are hereby assigned to eastern petroleum service exclusively. and may be withdrawn from such service only:

(a) When, at the time of withdrawal, the person making the withdrawal substitutes for the car or cars withdrawn and forthwith places in eastern petroleum service such number of tank cars, each of a shell capacity of 7000 gallons or more, as have a total capacity.equal to or exceeding that of the car or cars withdrawn, and within 24 hours after such substitution notifies the Section of Tank Car Service, Division of Petroleum and Other Liquid Transport, Office of Defense Transportation, Washington, D. C., as to the facts which made such withdrawal and substitution necessary;

(b) When authorized by the Office of Defense Transportation pursuant to § 502.103 of General Order ODT 7, Revised.

2. No tank car of a shell capacity of less than 7000 gallons, other than a tank car assigned to eastern petroleum service by this order, shall be used in eastern petroleum service unless authorized by the Office of Defense Transportation.

, 3. Communications concerning this order should be addressed to the Section of Tank Car Service, Division of Petroleum and Other Liquid Transport, Office of Defense Transportation, Washington, D. C., and should refer to "General Assignment Order ODT 7, Revised-1'

This order shall become effective December 29, 1942.

Issued at Washington, D. C., this 29th day of December 1942.

A. V. BOURQUE, Chief, Section of Tank Car Service.

[F. R. Doc. 42-14104; Filed, December 29, 1942; 12:09 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 101 Under MPR 188]

OXFORD-PRINT

APPROVAL OF MAXIMUM PRICES

Order No. 101 under § 1499.158 of Maximum Price Regulation No. 188-Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods (Other Than Apparel).

Approval of maximum prices for sales by Oxford-Print of a paper and paper stock photograph frame.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, It is ordered:

(a) Oxford-Print is authorized to sell and deliver a paper and paper stock photograph frame, manufactured by it, at prices, f. o. b. Medford, Massachusetts, no higher than those set forth below:

\$6.32 per dozen for $8" \times 10"$ size. \$4.72 per dozen for $6" \times 8"$ size.

(b) This Order No. 101 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 101 shall become effective this 30th day of December 1942.

Issued this 29th day of December 1942. LEON HENDERSON. Administrator.

[F. R. Doc. 42-14121; Filed, December 29, 1942; 5:03 p. m.]

[Order 107 Under MPR 188]

LIGHTWEIGHT FIREPLACE GRATES MADE OF STEEL

ESTABLISHMENT OF MAXIMUM PRICES,

Order No. 107 under § 1499.158 of Maximum Price Regulation No. 188— Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel Materials.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, § 1499.158 of Maximum Price Regulation No. 188, and § 1499.3 (c) of General Maximum Price Regulation, It is or-

- dered:
 (a) This Order No. 107 applies to all fireplace grates made of steel which weigh less than five pounds. Set forth below are the maximum prices for sales by the manufacturer, wholesalers, and retailers. However, these prices may be charged only if the manufacturer attaches to the grate the written warranty described in paragraph (b). If the manufacturer does not make the warranty, the maximum prices for sales by the manufacturer, wholesalers, and retailers shall be computed by deducting 15% from the prices set forth below.
- (1) For sales by the manufacturer, the maximum price is \$1.65 f. o. b. factory.
- (2) For sales at wholesale by a person other than the manufacturer, the maximum price is \$2.00, f. o. b. seller's point of shipment.
- (3) For sales at retail, the maximum price is \$3.00.
- (b) The maximum prices set forth above can be charged only if the manufacturer sells the grate with a written warranty in the following form:

(Insert name of manufacturer) manufacturer of this grate, warrants to the retailer and to any person buying from him that it is fit for burning coal or wood in a fireplace.

The warranty shall be attached to the grate by the manufacturer and shall not be detached until after the grate has been delivered to the consumer.

(c) Before delivery of a grate to any purchaser for resale, the manufacturer shall attach a tag or label which plainly states that the retail ceiling price of the. grate is \$3.00. The tag or label shall not be detached until the grate has been delivered to the consumer.

(d) At or prior to the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser of the maximum price set by this order for resales by the purchaser. This notice may be given in any convenient form.

¹7 F.R. 10484.

(e) This Order No. 107 may be revoked or amended by the Price Administrator at any time.

(f) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to terms used herein.

(g) This Order No. 107 shall become effective on the 29th day of December 1942, and shall terminate on the 1st day of April 1943.

Issued this 29th day of December 1942.

LEON HENDERSON,

Administrator.

[F. R. Doc. 42-14120; Filed, December 29, 1942; 5:03 p. m.]

SECURITIES AND EXCHANGE COM-MISSION.

[File No. 70-647]

PUBLIC SERVICE ELECTRIC AND GAS
COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 24th day of December 1942.

Public Service Electric and Gas Company, a subsidiary of Public Service Corporation of New Jersey, in turn a subsidiary of The United Corporation, a registered holding company, having filed a declaration, pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (c) thereof and Rule U-42 promulgated thereunder, regarding the purchase in the open market by Public Service Electric and Gas Company of not in excess of \$1,000,000 principal amount of bonds from the following list of bonds of underlying companies which have been assumed by declarant, at prices not in excess of those indicated, at a total cost not to exceed \$1,200,000:

	Maturity	Interest	Maximum purchase price
The Gas & Electric Co. of Bergen County (general mortgage) The Gas & Electric Co. of Bergen County (consolidated mortgage) Hudson County Gas Co Middlesex Electric Light & Power Co Newark Consolidated Gas Co The Newark Gas Co. The Paterson & Passaic Gas & Electric Co Somerset, Union & Middlesex Lighting Co. South Jersey Gas, Electric & Traction Co Trenton Gas & Electric Co United Electric Co. of New Jersey	11/1/54 6/1/49 11/1/49 11/1/45 12/1/45 4/1/44 3/1/49 12/1/43 3/1/49 6/1/49	5 5 5 5 6 5 4 5 5 4	125 120 121 123 120 103 120 103½ 124 120 114

All bonds, so purchased, are to be delivered to and held by Fidelity Union Trust Company as Trustee, under the terms of a Trust Indenture entered into between Fidelity Union Trust Company and Public Service Electric and Gas Company, dated August 1, 1924; and

A public hearing on said declaration having been held after appropriate notice; and the Commission having examined the record and having made and filed its Findings herein;

It is ordered, That said declaration be, and it hereby is, permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, Secretary,

[F. R. Doc. 42-14122; Filed, December 30, 1842; 9:43 a.m.]

[File No. 70-654]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE, ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 26th day of December, A. D. 1942.

In the matter of Public Service Company of New Hampshire, the Twin State Gas and Electric Company and New England Public Service Company.

Notice is hereby given that joint declarations and applications have been filed with this Commission by Public Service Company of New Hampshire (Public Service), The Twin State Gas and Electric Company (Twin State) and New England Public Service Company (Nepsco), the last named company being a registered holding company, pursuant to sections 6, 7, 9, 10 and 12 of the Act. All interested persons are referred to said document which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

I

Twin State proposes to sell to Public Service and Public Service proposes to acquire from Twin State (both subsidiaries of Nepsco) the latter's rights and properties used in and pertaining to its electric and gas business in New Hampshire and its electric business in Maine, together with \$10,000 principal amount of 3% Deferred Debentures of December 1, 1936 and twenty shares of common stock without par value of Nepsco Appliance Finance Corporation, incidental current assets and incidental other securities and real estate (hereinafter called the "New Hampshire Properties"), for a cash consideration of \$4,048,977.02 (plus net current assets). Twin State proposes to use the proceeds from the sale of its New Hampshire Properties to redeem its \$2,435,200 outstanding principal amount of First Lien and Refunding Mortgage 5½% Gold Bonds, Series A dated March 2, 1925 and due March 1, 1945 at the current call price (10112% of the principal amount through February 28, 1943 and 101% from March 1, 1943 through February 29, 1944), and to reduce its outstanding bank loans from \$2,255,250, to an amount estimated at

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Public Service further proposes to acquire from Nepsco, and Nepsco proposes to sell to Public Service, for cash the assets tabulated below at prices indicated opposite each item:

(1) The interest held by Nepseo in	
1,000 charcs of baneficial interest.	Pricz
no par value, of Swans Falls Co	\$150,000
(2) The following securities:	•
Nepeco Appliance Finance Cor-	
poration—	
10 shares common stock, no	
par value	100
\$20,000 principal amount of	
3% deferred debentures due	
Dec. 1, 1959	*20,000
Nepceo Services, Inc.—	
200 chares common stock, \$10	
par value	2,000
86,000 principal amount of 5%	
debentures due Aug. 1, 1956_	*6,000
Salmon Falls Water Co.—	
715 shares capital stock, \$100	
par value	18,930
-	
Total	197, 039

*Plus accrued interest

Public Service further proposes to issue and sell for cash \$22,000,000 principal amount of its First and General Mortgage Bonds, Series A 31/4% due 1973, to be dated January 1, 1943, and to be due January 1, 1973 (hereinafter called the "Bonds"); the Bonds to be issued under and secured by an indenture of Mortgage to Old Colony Trust Company, as Trustee, and to be dated as of January 1. 1943. It is further proposed that the Bonds will be sold, under a firm commitment, to underwriters or investors to be selected by competitive bidding under Rule U-50. Public Service further proposes to issue and sell privately for cash at par \$2,500,000 of unsecured notes (hereinafter called the "Notes"), to be dated on a convenient date (not later than the day the notes are issued) in the month of such issue and to mature serially, in amounts of \$150,000 semi-annually for the first five years and \$100,000 semi-annually for the second five years, after the date borne by the Notes.

Public Service further proposes to issue and sell 3,284 shares of its Common Stock, no par value, to Nepsco, and Nepsco proposes to acquire said stock from Public Service for \$197,040 (\$60 per share).

Public Service states that under the exemptions contained in paragraphs (a) (2) and (a) (3) of Rule U-50, paragraphs (b) and (c) of said Rule are not applicable to the issue and sale of the Notes and Common Stock.

Public Service proposes to apply the proceeds from the sale of the Bonds, Notes and Common Stock as follows: (a) to redeem and retire the presently outstanding bonds of Public Service in the aggregate principal amount of \$18,929,000; (b) to pay the then outstanding bank loans of Public Service; (c) to pay for the New Hampshire properties of Twin State and (d) to pay for the assets to be acquired from Nepsco.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters, that said declarations shall not become effective nor said applications be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and Rules of the Commission thereunder be held on January 12, 1943 at 10:00 o'clock, a. m., E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why such declarations and applications shall become effective or shall be granted. Notice is hereby given of said hearing to the above named declarants and applicants and to all interested parties, said notices to be given to said declarants and applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That Charles S. Lobingier, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered; That, without limiting the scope of issues presented by said declarations and applications otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the consideration to be paid by Public Service for the properties to be acquired from Twin State and the assets of Nepsco is reasonable and whether the acquisition of the assets is in the public interest and in the interest of investors and consumers of Public Service.

2. Whether all acquisitions proposed meet the requirements of section 10 of the Public Utility Holding Company Act of 1935 and all Rules and Regulations promulgated thereunder.

3. Whether the issuance or sale by Public Service of the aforementioned securities are solely for the purpose of financing the business of that company.

4. Whether the issuance or sale by Public Service of the aforementioned securities have been expressly authorized by the State Commission of the State in which that company is organized and doing business.

5. Whether the accounting entries to be made in connection with any or all of such proposed transactions are appropriate under the standards and requirements of the Public Utility Holding Company Act of 1935 and all Rules and Regulations promulgated thereunder.

6. Whether terms and conditions are appropriate in the public interest or for the protection of investors or consumers or are necessary to be imposed to insure compliance with the requirements of the Public Utility Holding Company Act of 1935 or any rules, regulations or orders promulgated thereunder.

7. Generally, whether all actions proposed to be taken comply with the re-

quirements of the Public Utility Holding Company Act of 1935 and rules, regulations or orders promulgated thereunder.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F. R. Doc. 42-14123; Filed December 30, 1942; 9:43 a. m.]

[File No. 1-2281]

TRINITY GOLDBAR MINING CO.
ORDER FOR HEARING AND DESIGNATING
OFFICER TO TAKE TESTIMONY

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of December, A. D. 1942.

In the matter of proceeding under section 19 (a) (2) of the Securities Exchange Act of 1934 as amended, to determine whether the registration of Trinity Goldbar Mining Company assessable common stock, 25¢ par value, should be suspended or withdrawn.

I

It appearing to the Commission:

That Trinity Goldbar Mining Company, a corporation organized under the laws of the State of Nevada, is the issuer of Assessable Common Stock, 25¢ Par Value; and that said Trinity Goldbar Mining Company registered such security on the San Francisco Mining Exchange, a national securities exchange, by filing with the Exchange and with the Commission on or about November 23, 1935, an application on Form 10, pursuant to section 12 (b) and (c) of the Securities Exchange Act of 1934, as amended, and pursuant to Rule X-12B-1, as amended, promulgated by the Commission thereunder, which registration became effective December 23, 1935, and has remained in effect to and including the date hereof; and it further appearing to the Commission:

That Rule X-13A-1, promulgated pursuant to section 13 of said Securities Exchange Act of 1934, as amended, did and does require that an annual report for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That Rule X-13A-2, promulgated pursuant to section 13 of the Securities Exchange Act of 1934, as amended, did and does prescribe Form 10-K as the annual report form to be used for the annual reports of all corporations except those for which another form is specified, and that no other form was or is specified for use by the said Trinity Goldbar Mining Company; and

That said Rule X-13A-1 requires that said annual report be filed not more than 120 days after the close of each fiscal year or such other period as may be prescribed in the instruction book applicable to the particular form; that the Instruction Book for Form 10-K does not prescribe any period other than such 120 days; and that pursuant to said Rule X-13A-1 the annual report must be filed within such period unless the registrant files with the Commission a request for an extension of time to a specified date within six months after the close of the fiscal year; and

That said Trinity Goldbar Mining Company has a fiscal year ending December 31; that the annual report for its fiscal year ended December 31, 1941 was due to be filed not later than April 30, 1942; that registrant made no request for extension of time within which to file said report; that the time for filing was not extended by the Commission; that the annual report for the fiscal year ended December 31, 1941, was not filed within the time prescribed for filing said report or at any later date; and

TT

The Commission having reasonable cause to believe that:

The said Trinity Goldbar Mining Company has failed to comply with the provisions of section 13 of the Securities Exchange Act of 1934, as amended, and Rules X-13A-1 and X-13A-2 promulgated thereunder, in that (1) it has failed to file its annual report for the year ended December 31, 1941 within the time prescribed for filing said report, and (2) it has failed to file such annual report at any later date; and

III

It being the opinion of the Commission that the hearing herein ordered to be held is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended;

It is ordered, Pursuant to section 19 (a) (2) of said Act, that a public hearing be held to determine whether Trinity Goldbar Mining Company has failed to comply with section 13 of the Securities Exchange Act of 1934, as amended, and the rules, regulations and forms promulgated by the Commission thereunder, in the respects set forth above; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the Assessable Common Stock, 25¢ Par Value, of said Trinity Goldbar Mining Company on said San Francisco Mining Exchange;

It is further ordered, Pursuant to the provisions of section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purpose of such hearing, John G. Clarkson, an officer of the Commission, is hereby designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law:

with authorized by law;

It is further ordered, That the taking of testimony in this hearing begin on the 20th day of January 1943, at 10:00 a. m. Pacific War Time, at the Regional Office of the Securities and Exchange Commission, 625 Market Street, San Francisco, California, and . continue thereafter at such time and place as the officer hereinbefore designated may determine.

By the Commission.

[SEAL]

ORVAL L. DUBOIS, Secretary.

[F. R. Doc. 42-14124; Filed, December 30, 1942; 9:43 a. m.]